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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 30, 2007.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

RECESS

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

Accordingly (at 9 o'clock and 3 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

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

PRAYER

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

Lord God, we seek Your guidance and protection; yet, we are often reluctant to bend to Your ways. Help us to understand the patterns of Your creative hand. In the miracle of life and the transformation to light, You show us Your awesome wonder. Both the changing seasons and the dawning of each day reveal for us Your subtle but consistent movement during every moment of life.

Without a screeching halt or sudden curtain, You change darkness into light and provide a new day. Only week after week does Mother Earth strip herself and then blanket herself for winter. Guide us to imitate Your silent but relentless plan of transcendence.

Through the gradual building of consensus and the hard work toward responsible transition, may Your people all over the globalized world tire of competition and war and awaken to new ways of interdependence and peace.

For this we pray, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BOUSTANY 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.

EFFECTS OF ALTERNATIVE MINIMUM TAX

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

Mr. ISRAEL. Madam Speaker, one of the greatest financial assaults on America's middle class is the alternative minimum tax. Originally, it was meant to ensure that several dozen of the richest families in America paid their fair share of taxes, but it wasn't indexed for inflation, so it's robbing middle class taxpayers, like our union members, our cops, firefighters, teachers and nurses. Now, after too long, finally a real effort at reform is developing.

The Ways and Means Committee majority has unveiled a repeal of the AMT. Now, it's too early for me to say that I agree with every single element of this proposal. I am convening a panel of experts to assess it. But I am pleased that finally we are seriously addressing this middle-class rip-off. I want to thank Chairman RANGEL. I hope to work closely with him in achieving real reform and real relief for America's working families and middle-class taxpayers.

R&D TAX CREDIT

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

Mr. ROSKAM. Madam Speaker, I rise today to raise awareness of the imminent need for Congress to extend and make permanent the research and development tax credit. The R&D tax credit is set to expire at the end of this year. At a time of increasing globalization, America's prosperity depends more than ever on its capacity to

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innovate. For decades, our Nation's leadership in research has led to discoveries that have dramatically improved living standards around the world and given rise to new industries that have in turn created millions of new jobs.

Other countries are well aware of the significant economic benefits that flow from R&D activities, and many have created strong tax incentives designed to attract R&D investment around the world. In fact, 10,000 American companies will be able to take advantage of the permanency of the R&D tax credit. In my district alone, small and medium manufacturers, technology companies and leading research institutions will greatly benefit from this tax credit.

Let's not play politics with the lifeblood of our economy. Let's join together, both sides of the aisle, to extend the R&D tax credit.

SPENDING FOR CHIP VERSUS SPENDING IN IRAQ—THIS IS A QUESTION OF PRIORITIES

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

Mr. BRALEY of Iowa. Madam Speaker, the American people agree with the Democratic Congress: It is time to begin responsibly redeploying our troops from Iraq and investing much-needed funds here at home. Instead of beginning to spend less money in Iraq, the President is once again asking Congress to do more; a lot more.

Just last week, President Bush increased his request for additional Iraq funding to a total of $189 billion next year, bringing the total cost for the war so far to over $800 billion. Yet, the President has never proposed any way to offset this massive spending; instead, sinking our Nation deeper into debt.

This Democratic Congress and the American public have a different set of priorities. We believe in being fiscally responsible and implemented a pay-as-you-go system to stop piling debt on the backs of our Nation's children. That is why our children's health legislation, which helps 10 million children receive the health care coverage they deserve, is fully paid for.

Madam Speaker, the President's fiscal priorities are irresponsible and misplaced. He should be reducing the amount we are spending in Iraq so that we can again invest in domestic priorities, like children's health care.

NEED FOR PERMANENT R&D TAX CREDIT

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

Mr. SALI. Madam Speaker, global competition is a fundamental reality of today's economy. America is doing well because we offer the highest quality products in the world. Only by staying on the leading edge of technology and innovation will our competitive edge stay sharp. Our competitive advantage will diminish unless our companies have the ability to perform research and develop the technology improvements that keep America out front. That is why we need a permanent R&D tax credit.

One recent study found that R&D credit teases out nearly $3 of additional R&D investment for every $1 of taxes companies can deduct. In addition, it has been estimated that more than three-quarters of R&D tax credit dollars are used for the compensation of employees who work in U.S.-based research and development.

In my home State of Idaho, roughly 35,000 people are employed in the high-tech industry. The companies where they work depend on the best possible research and development. It is hard for firms to plan for future growth when a key tax credit is destined to expire at the end of the year.

Madam Speaker, it is time to make the R&D tax credit permanent.

SCHIP VERSUS SPENDING IN IRAQ

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

Mr. SARBANES. Madam Speaker, once again, we have a vivid, vivid example of this President's misplaced priorities. Earlier this month, the President vetoed the Children's Health Insurance Program, which would have extended private health insurance coverage to 10 million children in this country at a reasonable investment of $35 billion over a 5-year period. It costs too much, the President said. We can't afford it. Yet, last week the President requested additional funding for this misadventure in Iraq to the tune of $189 billion. We can't find money for children and health care in this country, but we can find, apparently, endless supplies of dollars to fund the war in Iraq.

Madam Speaker, this President on this issue and on many other issues is gravely out of touch with the American people.

MAKE PERMANENT THE RESEARCH AND DEVELOPMENT TAX CREDIT

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

Mr. WALBERG. Madam Speaker, in my home State of Michigan, we have hit some hard times, and recently things have become worse as Michigan's Governor and tax-hiking State legislators inflicted a massive tax increase on the people of Michigan.

While in Congress, I am going to do all I can to aid Michigan's comeback, providing incentives for manufacturers and their employees to innovate, grow and expand. For example, American auto manufacturers spend $20 billion a year on research and development, and such investment and innovation among American automakers should be encouraged.

One positive step Congress can immediately take to continue similar innovation is to make permanent the research and development tax credit. This legislation would keep high-tech, high-paying jobs in America by maintaining important incentives and enable American companies to grow, become more competitive globally, and ultimately result in additional high-paying American jobs.

I urge my colleagues to support H.R. 2138, the research and development tax credit, and encourage further investment and growth in our great Nation.

DEMOCRATS MAKE CHANGES TO ADDRESS REPUBLICAN CONCERNS AND IT IS STILL NOT ENOUGH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, the children's health insurance legislation passed by the House last month was a bipartisan bill that provided health care coverage to 10 million American children. Although it received overwhelming support from the American people, from 43 Governors, and a veto-proof majority in the Senate, the majority of House Republicans rejected it and said they had specific concerns.

To address their concerns, House Democrats met with Republicans and introduced a revised SCHIP bill last week. We clarified three key points. One, there wasn't any possibility of higher income families being eligible; two, it further clarified that immigrants without documents would not have access to the program; and, three, it phased out over 1 year the coverage of childless adults.

But, Madam Speaker, Republicans in this body just can't take yes for an answer. Even after addressing their concerns in this revised bill, many of our colleagues still insisted on standing with President Bush, instead of with working American families.

IN SUPPORT OF A PERMANENT RESEARCH AND DEVELOPMENT TAX CREDIT

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

Mr. SMITH of Nebraska. Madam Speaker, I rise today in support of a permanent research and development tax credit. We are the strongest Nation on Earth, in large part because of the innovation inspired through research and development. This has been a driving force through our history, leading us to discoveries which add convenience, comfort and productivity to our lives.

In Nebraska, now more than ever, our rural businesses grow when people are willing to face the uncertainty and risks which others find daunting. In our increasingly competitive global economy, it is essential we ensure there is a permanent, meaningful incentive for all businesses to invest in research and development.

We live in a world with limitless innovation, and I look forward to seeing what the future will bring from further research and development.

URGING PRESIDENT TO SIGN SCHIP LEGISLATION

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

Ms. TSONGAS. Madam Speaker, just 2 weeks ago today, tens of thousands of residents from the Fifth Congressional District of Massachusetts supported my candidacy because they wanted to make sure that all our children have health insurance. Two days later, I began my service to the Fifth District by proudly voting to override President Bush's veto of a children's health care bill that had overwhelming bipartisan support.

Unfortunately, the veto was upheld, but the fact remains that millions of children that need health care don't have it.

Last Thursday, I again voted to expand the Children's Health Insurance Program, a program that was first developed in Massachusetts and is now critical to the newly enacted Massachusetts health insurance plan. Every concern raised by the President has been clearly addressed in this bill, but he still threatens to veto it.

I will stand with the strong bipartisan majority, ready to overturn this veto and give 200,000 children in Massachusetts and millions more across the country a chance at a healthy, safe future. I urge the President to sign the bill.

MOTHER OF ALL TAX HIKES—BAD FOR THE U.S. ECONOMY AND WORSE FOR AMERICAN TAXPAYERS

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

Mr. BOUSTANY. Last week, Speaker PELOSI embraced the Democrats' $1.3 billion tax scheme. The ink is barely dry, but she is already distancing herself from the mother of all tax hikes.

As reported in today's Hill newspaper, the Speaker's office has changed the transcript of her press comments to reflect that she supports Chairman RANGEL's ''plan to begin tax reform,'' not his actual ''tax plan.''

Maybe the Speaker has caught on to what many Americans have discovered in the fine print. Maybe she figured out that the bill raises taxes on every U.S. taxpayer. Or it could be the part about resurrecting the death tax and penalizing small businesses and family farms that is causing her concern. Then again, it might be that she simply agrees that our Tax Code shouldn't punish a man and woman for getting married.

Madam Speaker, you can change the transcript, but you can't change the facts. The Pelosi-Rangel mother of all tax hikes is bad for the U.S. economy and worse for the American taxpayer.

□ 1015

NEW HAMPSHIRE IS RED SOX NATION

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

Mr. HODES. Madam Speaker, I rise today to celebrate Red Sox Nation. In this House, we often disagree on many issues of national importance, but today we are all part of Red Sox Nation. After trailing Cleveland 3–1 in the American League Championship Series, the Red Sox won seven straight games and won their second World Series crown in 4 years.

In my home State of New Hampshire, we are made up of diehard Red Sox fans, and we are a proud part of Red Sox Nation. There is no such thing as a fair-weather Red Sox fan. Granite Staters went four generations without being able to celebrate a Red Sox championship, and that is why it has been a great week and great year to be a Red Sox fan.

I also want to congratulate Mike Lowell on being named the MVP of the series. Now we can all finally get some sleep. Go Sox.

IN MEMORY OF THE STUDENTS WHO LOST THEIR LIVES

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

Mr. WILSON of South Carolina. Madam Speaker, this past weekend the University of South Carolina and Clemson University suffered a tragic loss when seven of their fellow students died in a house fire.

As a USC Law School graduate and parent of a current Clemson student, I know the sadness and grief so many must be feeling at this time, and our hearts and prayers go out to these two great communities. I know that the strength and companionship shared by the students, faculty, family and friends, led by President Andrew Sorenson of USC and President Jim Barker of Clemson, will help them through this difficult time.

I wish to express the deepest condolences on behalf of the House of Representatives, my family, and the people of South Carolina to the families and friends of those students who lost their lives. I especially grieve because my mother was a member of Delta Delta Delta sorority at USC and my father was a member of Sigma Alpha Epsilon fraternity at USC.

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

MOMENT OF SILENCE IN MEMORY OF LIVES LOST

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

Mr. CLYBURN. Madam Speaker, it is with a heavy heart that I rise to memorialize the lives of Justin Anderson, Travis Cale, Lauren Mahon, Cassidy Pendley, William Rhea, Allison Walden, all students of the University of South Carolina which I proudly represent here in this body, and Emily Yelton, a student of Clemson University.

Madam Speaker, when young men and women go off to pursue education, their families hope for them a bright future and a long life. All seven of these young men and women lost their lives in a fire this weekend, and I join with those that I represent at the University of South Carolina in offering condolences to these families. I also say to the families of Clemson University, our hearts go out to all of them.

Madam Speaker, I ask that you and this body join me in a moment of silence in memory of these young people.

FUND OUR VETERANS

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

Mrs. DRAKE. Madam Speaker, this is day 30. That is 30 days so far our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million a day not able to be used. And why? Because the Democratic leadership has decided to not complete this bill and send it to the President who has agreed to sign it.

In June, this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. We were proud of our work and grateful to our veterans. On September 6, the Senate completed their bill. This work is done. Our veterans are not pawns in a political game. They are heroes.

America expects us to get the job done. America expects us to provide the best care to our veterans. Please join me in calling upon the Democratic leadership to put our veterans first and send this bill to the President now.

PRESIDENT DEMANDS BLANK CHECKS FOR IRAQ

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

Ms. WATSON. Madam Speaker, last week President Bush requested an additional $42 billion from Congress for the wars in Iraq and Afghanistan, bringing his total funding request for the upcoming year to $190 billion.

Also last week, the Congressional Budget Office released a report concluding that the wars in Iraq and Afghanistan will cost $2.4 trillion over the next decade. That's nearly $8,000 for every American.

Just imagine if we rejected the President's plan to continue the war in Iraq for another decade and worked instead to responsibly redeploy our troops out of Iraq within the next year. Rather than spending $2.4 trillion over in Iraq, we could instead invest it here with our own people. This would be more than enough to provide every college freshman in our Nation with a free 4-year education at a private college or university. We could also use that money to provide health care coverage to every American for a year or could pay off 26 percent of our national debt.

UAW/CHRYSLER DEAL

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

Mrs. MILLER of Michigan. Madam Speaker, I rise today to applaud this weekend's ratification of the contract between the United Auto Workers and Chrysler. The new contract creates a stronger domestic auto industry and modernizes the relationship between the Big Three and labor.

The ratification by the rank and file signals a new day for the domestic auto industry that has been struggling for market share with its foreign competitors. And sincere congratulations to President Ron Gettelfinger of the UAW and his entire team on a job well done.

The industry still faces many challenges, but this new pact between the UAW and Chrysler and an earlier deal with GM means that both sides have come together to move the industry forward.

The good-faith negotiations proved that all of the stakeholders put the future of the domestic auto industry first as they worked towards manufacturing competitiveness.

This agreement secures jobs and allows the parties to move forward and to continue to create quality products and compete in the global marketplace. Again, congratulations. Well done.

HOMELESSNESS AND POVERTY

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

Ms. SOLIS. Madam Speaker, today I rise to discuss poverty and homelessness in the San Gabriel Valley in the 32nd Congressional District. At least 43 percent of adults living below the Federal poverty line in L.A. County have worked either full-time or part-time. They have to balance rent or mortgage payments, child care, food, gas prices, and health care. The increasing costs can lead to homelessness if you can't make these payments.

In Los Angeles County, over 152,000 people are homeless over the course of a year; and in the city of Azusa, at least 1,500 children were homeless last year.

I am proud that Democrats have taken steps to reduce poverty and homelessness. In 2007, our farm bill raised the minimum benefit in the food stamp program for the first time in 30 years. For the first time in more than 10 years, we have raised the minimum wage and expanded American homeownership, and also would help to provide and ensure that low-income and middle-income families have affordable mortgage loans.

ANNIVERSARY OF NOVEMBER ELECTIONS

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

Mr. PALLONE. Madam Speaker, we are fast approaching the 1-year anniversary of the November elections when the American people went to the polls demanding to take our Nation in a new direction.

Over the last 10 months, the new Democratic Congress has produced real results that are now making a real difference in millions of Americans' lives. For 10 years, Republican Congresses have refused to increase the minimum wage for nearly 6 million hardworking Americans. Democrats thought that was unacceptable, and one of our first actions was to ensure that these workers finally got a much-deserved and long overdue pay raise.

Democrats also realize it is difficult for middle-class parents to send their children to college. Over the last 6 years as wages have stagnated, college costs have increased 40 percent above inflation. This Democratic Congress passed and the President signed into law legislation that provides the single largest increase in college aid since the GI Bill, and this new law will allow more Americans to live the American Dream.

Madam Speaker, congressional Democrats are proud of these accomplishments, but they are only the beginning as we continue to move America in a new direction.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes related to the Internet and to electronic commerce.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Freedom Act Amendments Act of 2007''.

SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking ''2007'' and inserting ''2014'', and

(2) in section 1104(a)(2)(A) by striking ''2007'' and inserting ''2014''.

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

''(c) APPLICATION OF DEFINITION.—

''(1) IN GENERAL.—Effective as of November 1, 2003—

''(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

''(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

''(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—

''(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

''(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

''(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).''.

SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking ''services'',

(2) by amending paragraph (5) to read as follows:

''(5) INTERNET ACCESS.—The term 'Internet access'—

''(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

''(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

''(i) to provide such service; or

''(ii) to otherwise enable users to access content, information or other services offered over the Internet;

''(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

''(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and

''(E) includes a homepage, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.'';

(3) by amending paragraph (9) to read as follows:

''(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).'', and

(4) in paragraph (10) by adding at the end the following:

''(C) SPECIFIC EXCEPTION.—

''(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

''(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

''(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

''(III) is imposed on a broad range of business activity; and

''(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

''(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

''(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.''.

SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking ''telecommunications services'' each place it appears and inserting ''telecommunications'', and

(2) in subsection (b)(2)—

(A) in the heading by striking ''SERVICES'',

(B) by striking ''such services'' and inserting ''such telecommunications'', and

(C) by inserting before the period at the end the following: ''or to otherwise enable users to access content, information or other services offered over the Internet''.

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.

Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:

''(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State's taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access.''.

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3678, the Internet Tax Freedom Act Amendments Act, as amended. H.R. 3678, legislation designed to extend the Internet tax moratorium and grandfather protections, clarify the treatment of gross receipts taxes, and revise the definition of Internet access is bipartisan legislation at its best. It has widespread support by industry groups including the Don't Tax Our Web Coalition, as well as by various government organizations such as the National Governors Association, the Federation of Tax Administrators, the National Conference of Mayors, and the National Conference of State Legislatures. It is supported by a wide range of labor and union groups, including the American Federation of State, County and Municipal Employees.

And with that broad support, the House passed H.R. 3678 by a vote of 405–2. H.R. 3678, as amended by the Senate, contains four distinct changes.

First, the Senate version extends the moratorium on State and local taxes on Internet access and continues grandfather protections for 7 years until November 1, 2014. The 7-year time frame will allow Congress to revisit the moratorium and consider developments in the States or in technology. It will provide businesses sufficient time to plan and ensure that consumers benefit from tax-free access to the Internet.

Second, the Senate version extends from November 1, 2007 to June 30, 2008 the time for certain States to adjust for a phaseout of the grandfather protection. This alteration will benefit State governments who would have scrambled to readjust their budgets with a loss of revenue beginning November 1.

Third, the Senate version expands the definition of Internet access to prohibit taxation of certain services which are fee-based, not packaged with Internet access, and are offered from sources other than providers of Internet access.

Finally, the Senate version prohibits a State from reimposing Internet access taxes if the State had eliminated the taxes more than 2 years ago.

For nearly 10 years, we have had the luxury of tax-free Internet access, as we have acted under a moratorium passed by Congress, but the moratorium expires in less than 2 days.

□ 1030

With the impending end of the moratorium in sight, this Chamber agreed nearly unanimously to pass H.R. 3678, the Internet Tax Freedom Act Amendments Act. This legislation is an example of how a bipartisan approach to a complex issue can serve the public good.

While the Senate made some changes to H.R. 3678, this is a version I'm very proud to support. It retains the essence of H.R. 3678, including refining the definition of Internet access and, most importantly, providing a temporary extension of the moratorium. This legislation minimizes the effect on State and local government revenue, treats businesses fairly, and keeps Internet access affordable to consumers.

I remind my colleagues on both sides of the aisle that the current Internet tax moratorium expires in about 36 hours. Madam Speaker, I encourage all my colleagues to join me in supporting H.R. 3678, the amended Internet Tax Freedom Act Amendments Act, so that tax-free access to the Internet can continue.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I'm pleased that we are considering a bill to extend the Internet tax moratorium another 7 years. With only 2 days left until the moratorium expires, it's high time that Congress passes this important legislation and gets it to the President's desk for his signature.

Two weeks ago, the House approved H.R. 3678, a bill to extend the Internet tax moratorium for 4 years. I supported

this legislation because it accomplished several positive things. For example, it clarified the definition of Internet access to ensure that States do not tax Internet access, including the acquisition of transmission capabilities.

However, I was disappointed that it did not permanently ban taxes on Internet access and e-commerce and that the House Democratic leadership refused to allow a vote on permanency, even though over 240 Members are cosponsors of a permanent extension.

Today, by passing H.R. 3678 with the Senate amendments, we are taking a step in the right direction. This legislation extends the moratorium for 7 years, almost doubling what the House approved only 2 weeks ago.

The Senate amendments to H.R. 3678 also made several other important changes to the law. The Senate extended the coverage of the moratorium to all e-mail, regardless of whether it was bundled with Internet access. With respect to the original grandfathered States, the Senate added a new ''use it or lose it'' provision that says that if one of those States repeals or otherwise does not enforce its tax on Internet access, it loses its grandfather protections.

I think these are good changes to the original House-passed bill, and I am happy to support them.

By extending the ban on Internet access taxes for a longer period of time, we give businesses the certainty they need to spend billions of dollars to construct, maintain and update the broadband Internet infrastructure throughout the country.

This legislation will help keep the cost of Internet access down so that all individuals can continue to use the great informational tool that is the Internet.

While I'm disappointed that we're not making the ban permanent, which has wide support in the House, we are certainly moving in the right direction by passing H.R. 3678 today.

Hundreds of companies and groups, including AOL, Apple, Americans for Tax Reform, AT&T, Comcast, eBay, Electronic Industries Alliance, Level 3 Communications, the National Association of Manufacturers, National Cable and Telecommunications Association, National Taxpayers Union, Sprint/Nextel, Time Warner Communications, T-Mobile, U.S. Chamber of Commerce, U.S. Telecom Association, U.S. Internet Industry Association, Verizon, Yahoo, the Business Software Alliance, and the Hispanic Technology and Telecommunications Partnership, among many, many others, have, in fact, called for a permanent ban on Internet access taxes.

While H.R. 3678 doesn't get us all the way to the goal line, it is a step forward that will benefit the economy and the consumer.

Madam Speaker, if we are going to have a healthy economy in America, if we are going to continue to create jobs, if we're going to continue to enjoy a high standard of living, if we are going to continue to increase productivity, we have to do everything we can to encourage and help the high-tech industry.

To that end, I support H.R. 3678, but I still would like to see Congress pass a permanent moratorium.

Madam Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield 3½ minutes to the gentlelady from California, a colleague of mine who's very knowledgeable on Internet tax issues, Ms. ANNA ESHOO.

Ms. ESHOO. I thank the gentlewoman for yielding.

Madam Speaker, I rise today in support of the amended legislation that's before us. Two weeks ago when the House brought legislation to the floor on Internet taxation, I was only one of two that opposed it. Now, I opposed it not because I opposed extending the moratorium. Quite to the contrary.

I offered legislation with Mr. GOODLATTE that would have made Internet taxation, a ban on it, permanent. We introduced legislation that enjoyed over 240 bipartisan cosponsors. That legislation was not considered by the Judiciary Committee or the House.

The bill also contained a loophole that could have opened up the possibility of new taxes on the Internet services such as e-mail and music downloading. I knew we could do better and today we are.

The Senate-amended legislation will establish the longest term for the Internet tax moratorium since it was first created in 1998. The Congress acted on that again in 2001 and 2004, and today's moratorium is the longest that will be adopted. So I think it's cause for celebration.

The legislation will guarantee that new barriers created by taxation of Internet access and e-commerce will not emerge when the current moratorium ends, which is just, as the chairwoman said, 36 hours away. So we're coming in right under the wire.

I think that this is very important policy for our country. Very importantly, this is going to continue to spur innovation, and it will advance our goal of broadband for everyone in the United States.

I'm very, very pleased at the Senate action, under the leadership of really the father of this effort, Senator RON WYDEN, new father of twins, a son and a daughter, many congratulations to him. I urge all of my colleagues. This should be a 100 percent vote in the House for a 7-year moratorium, and I thank the leadership for bringing it to the floor and the chairwoman for her leadership on this as well.

Mr. SMITH of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee and the principal Republican sponsor of the permanent ban on Internet taxes.

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

Mr. GOODLATTE. I thank the gentleman from Texas for his leadership on this issue, as well as that of the two gentlewomen from California, Congresswoman ESHOO and Congresswoman LOFGREN, who have been advocates of a permanent extension of this legislation.

Madam Speaker, I am pleased that the House leadership has now seen fit to schedule a vote on a bill to extend the Internet tax moratorium for longer than the mere 4-year extension contained in the House-passed bill.

However, I'm still extremely disappointed that the majority did not allow any amendments to H.R. 3678 when it was considered by the full House. The handling of that bill 2 weeks ago by the House leadership is unfortunately reflective of the stranglehold that leadership has placed on the will of the majority in this Congress.

I had introduced legislation, along with Representative ESHOO, to make the ban on Internet access taxes permanent, and that legislation had garnered nearly 240 bipartisan cosponsors before the House was forced to vote on the 4-year extension. These cosponsors represent a strong bipartisan majority of the Members of this body. However, with absolutely no explanation, the majority party cut off all opportunity for amendments to that legislation on the House floor, where I have no doubt an amendment to make the ban on access taxes on the Internet permanent would have passed with a very strong majority.

During committee consideration, the House Judiciary Committee even resorted to obscure procedural tactics to reverse a vote for an amendment in committee to extend the moratorium from 4 years to 8 years. Because all but one Democrat, Congresswoman LOFGREN, on the committee voted against an amendment I offered there to extend the moratorium for 6 years, I assume that to be consistent they will vote against the 7-year extension before us today, but we shall see.

With regard to the merits of a 4-year extension, we heard arguments that the Senate would not accept anything longer than a 4-year extension. However, that has proven not to be the case. Now, House leadership has been forced to schedule a vote on a bill to extend the moratorium for 7 years because the current moratorium expires tomorrow. It's a shame they did not do this, and more, voluntarily when they had the chance.

Instead, the Senate, and I, too, join in commending Senator WYDEN and Senator SUNUNU in the bipartisan effort that was made in the Senate, which passed a more reasonable bill with a longer term of protection for American taxpayers.

The bill before us today extends the moratorium for almost twice as long as

the House-passed bill, and while I would prefer a permanent ban, this is a vast improvement over current law. This bill will continue to help ensure that the digital divide does not grow between those who can and cannot afford broadband Internet access.

The bill will also help ensure that businesses have more certainty when making business decisions about whether to deploy broadband to areas they do not currently serve, such as rural areas across the country.

I urge the Members of this body to support this important legislation.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, at this time, I am pleased to yield 3 minutes to the gentlelady from California (Ms. ZOE LOFGREN), a colleague of mine on the subcommittee and the Committee on the Judiciary.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in support of H.R. 3678.

In a welcome and refreshing instance of bipartisan, bicameral cooperation, the Senate took our bill and improved it. The longer moratorium means that service providers will have more certainty when deciding whether to make critical investments in basic infrastructure of the Internet.

The 7-year extension is longer than any that has ever been approved by any previous Congress. Consideration of this bill today shows that the Democrats in the 110th Congress truly understand the importance of the Internet to our economy.

Equally important, the bill as amended makes absolutely clear that Internet access embraces ancillary services such as e-mail, instant messaging and personal storage capacity. This change removes ambiguity with respect to these services, and thereby encourages robust competition among Internet service providers.

And importantly, today is October 30. By passing the extension of the Internet tax moratorium with ample time for the President to sign the bill into law, we avoid the almost certain disruption that would attend any further delay. Failure to act would be a mistake and a step away from the pledges we made in the Innovation Agenda.

I continue to believe that a permanent ban on the taxation of Internet access is important to maintaining and improving our place in the information economy.

I remain a proud cosponsor of my friend ANNA ESHOO's bill that would have made the moratorium permanent. I will continue to work with her and Mr. GOODLATTE to achieve that goal, but I heartily accept H.R. 3678 as a fair compromise between our position and the views of those who are reluctant to entirely abandon the possibility of one day taxing the Internet.

Ultimately, we will reach the legislative conclusion that taxing the Internet is simply a bad idea. Fortunately, this bill buys us enough time to get there and is an important, big step in the right direction.

Aside from supporting expansion of the broadband and innovation, it's also good news for American families that they will not face a new tax burden when they utilize the Internet come November 1. Therefore, I urge my colleagues to join me in supporting this important and very timely legislation.

I thank the chairwoman of the subcommittee.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

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

Let's make it clear what this bill does not do. What it does not do is it does not prohibit States or localities from putting general application taxes on Internet transactions as they would apply if that transaction were taking place not on the Internet. For example, it does not ban sales taxes on transactions over the Internet, as long as those taxes are the same sales taxes as would be applied if that purchase was transacted in a store or over a catalog, but what it does do is it says you cannot put discriminatory taxes on the Internet.

□ 1045

You cannot take that sales transaction and give it a sales tax that is higher because it was transacted over the Internet than if it were not. It also says that you cannot tax access or use to the Internet.

Can you imagine, can anyone out there imagine that if every time you sent an e-mail there was a tax that went on your credit card or something for using it, or every time you went on a Web site, there was a tax? That's absolutely unconscionable. Particularly today, when we realize how much of the economic growth we have experienced in this decade has come from the Internet and how much distribution of knowledge there has been and how it is a great equalizer that so many people at so many incomes and in so many locations are able to access knowledge that was previously unavailable.

The Internet has been a great engine for economic growth and for the distribution of knowledge. We don't want to slow down that engine by taxing it.

Now I, like I believe every other speaker this morning, wishes that this bill were a permanent ban. I can't imagine a time when we would want to restrict your access to the Internet by taxing it.

However, 4 years is better than zero, and 7 years is better than 4. So this 7-year extension is something that I will heartily support.

However, I also desperately hope that before we get to the day of the expiration of this next 7-year period, that sometime within this 7 years that this Congress realizes and recognizes once and for all that taxing the access to or use of the Internet is a bad idea and makes this ban permanent in the future.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 10½ minutes, and the gentlewoman from California has 12 minutes.

Mr. SMITH of Texas. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. UPTON) who is a senior member of the Energy and Commerce Committee and also ranking member of that committee's Subcommittee on Telecommunications and the Internet.

Mr. UPTON. I thank the gentleman for allowing me to have a little bit of time this morning to talk about a very important issue.

Madam Speaker, I am one of those Members of Congress who actually reads and signs all of his legislative mail from their district. I can remember not too long ago there was a write-in campaign to every congressional office complaining about a bill that Congressman Snell had introduced that was going to tax the Internet, every single piece of transaction that one might have on the Internet. Of course, as we know as we look at this board, and I have served in this Congress, I like to say not long enough, but I have never served with a Congressman Snell in the 21 years that Mr. SMITH and I have served here together.

I went through it to find out when did Congressman Snell serve? There must have been a Congressman Snell. Well, there was. He served in the 64th Congress. Now, that was a long, long time ago, and I daresay it was before the Internet. It was before Al Gore invented the Internet, and it was before the Senate and the House discovered it as well.

But can you imagine taxing every different thing that one might do on the Internet?

I look at our own household here and back in Michigan. Often we come home, my wife and I, the first thing we do is we get on the Internet. We check what our daughters might be saying at college. Two nights ago I was doing some Internet surfing, and I got IMs from my daughter, probably about 20, 25. It was a wonderful experience that she and I had communicating. But can you imagine if there was a tax on every single IM message that came back and forth?

A lot of us do our banking on the Internet, check our different accounts. Can you imagine every single time you are going to get a tax on the Internet? For me, I am a sports nut, my Wolverines. I was at MGoBlue last night a couple of different times. When is the Michigan-Michigan State game going to be on this weekend? Can you imagine if you got taxed every time? I wanted to check if Michael Hart was going to play this Saturday. I checked a bunch of different Web sites. Can you

imagine if you got a tax every single time? That's just nuts.

Thank goodness we are extending the current moratorium that otherwise expires this week. Now, I am one that wanted to make it a permanent extension. I join with Mr. GOODLATTE and Mr. SMITH and others as a cosponsor of legislation so that we don't have to do this every single year. We passed in the House a couple of weeks ago a bill that was unanimous, in fact, as I recall, that extended it for 4 years.

The Senate finally did something right; they actually extended it beyond 4 years. We are going to see an extension for 7 years. Even though it's not permanent, 7 years is better than nothing, and that's what we are doing today.

But as I think about all the different uses that we use on the Internet today, to think that we would tax every e-mail, every search of the Web, all those different things. As the former chairman of the Telecommunications Subcommittee, I know that this will stifle the growth of the Internet in a major, major way.

I would ask all of my colleagues, Republican and Democrat, to support this extension. Let's get it to the President. I am sure that he will sign it, hopefully, before the week is out, so that we can no longer have the audacity to think that a Congressman Snell will come back and, in fact, perhaps introduce a piece of legislation that will, in fact, tax every Internet transaction. It would be disastrous.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I reserve the balance of my time to close.

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

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, H.R. 3678, as amended by the Senate, remains a strong bill that provides much-needed clarity to the communications and Internet industries and strikes an appropriate balance in addressing the needs of States and local governments while helping keep Internet access affordable. I urge my colleagues on both sides of the aisle to join me in supporting it.

Mr. CHABOT. Madam Speaker, I rise in support of H.R. 3678, the Internet Tax Freedom Act Amendments Act, as amended by the Senate.

The Internet has changed the way we communicate, learn, and do business—all for the better. Since the Internet tax moratorium was first adopted, tremendous investment, growth and innovation in the scope and use of the Internet has occurred. By preventing unnecessary taxation of the Internet, Congress has fostered growth in productivity, spurred innovation, and widened public access to information.

This expansion is impressive. However, there is still more that Congress can do to ensure equal Internet access among all Americans. As I stated when the House passed its 4-year extension, permanently prohibiting unnecessary taxes, such as an Internet access, is the best course of action for accomplishing this goal.

The surest way to stifle achievement, progress, and growth is to involve the government. I urge my colleagues to pass H.R. 3678's 7-year extension and use this time to work together to permanently extend the moratorium in order to foster the innovation and the free market that have been the formula for economic growth and prosperity.

Mr. COLE of Oklahoma. Madam Speaker, though I would have voted "yea" on the Internet Tax Freedom Act, it is not the vote I wished to have had. I along with 242 bi-partisan co-sponsors wanted to see the Internet Tax Moratorium made permanent instead of an extension for 7 years. Through negotiations in the House, members were told that the Senate would never agree to anything longer than 4 years. Then, we were forced to vote on a 4-year extension October 16, without the opportunity to add amendments to lengthen the ban—or even make it permanent.

Madam Speaker, today we are now voting on a Senate amendment to H.R. 3678, extending the ban for 7 years—3 more years than what we were told the Senate would agree to. Imagine what we could have accomplished had the democrat leadership had listened to the will of 242 members from both sides of the aisle asking to make this ban permanent.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3678.

The question was taken.

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

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 773 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 773

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3867 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 773.

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

There was no objection.

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

Madam Speaker, House Resolution 773 provides for the consideration of H.R. 3867, the Small Business Contracting Program Improvements Act, under a structured rule.

As the Clerk reported, the rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Small Business. The rule waives all points of order against consideration of the bill except for clause 9 and 10 of rule XXI.

Ten amendments that were submitted to the Rules Committee for consideration were made in order. All four Republican amendments that were submitted and six Democratic amendments that were submitted were all

made in order. Finally, the rule provides for one motion to recommit with or without instructions.

Through a series of laws and procurement requirements, Congress established a benchmark for the SBA to give small businesses every opportunity to compete fairly for the award of Federal contracts. Despite a clear mandate that has been in existence for more than 50 years, small businesses have not received their fair share of Federal Government contracts. This is especially true regarding the service-disabled veterans, men and women, and minority-owned businesses.

In 2006 alone, the Federal Government spent over $417 billion on goods and services, but small businesses have been continuously losing out on contracting opportunities. This is a tragedy. Small businesses are the engines of our economy; and securing a Federal contract is a major financial boon for these entrepreneurs, especially veterans, women, and businesses in low-income areas.

We cannot afford for our budding entrepreneurs to be shut out of what should be an open market and be denied opportunities to succeed, not when their existence is so vital to our economy, especially. H.R. 3867 takes several critical steps to assist small businesses' participation in Federal procurement by updating and expanding the SBA's procurement programs.

First, it improves contracting opportunities for service-disabled veteran businesses. Today only 0.87 percent of Federal contracts are granted to service-disabled veteran businesses, a far cry from the 3 percent goal that was enacted in 1999.

H.R. 3867 gives service-disabled veteran businesses priority for Federal contracts, providing more opportunities for our Nation's veterans to become successful entrepreneurs.

It also codifies President Bush's executive order directing agencies to provide veterans resources and assistance they need to participate in Federal contracting processes.

Second, H.R. 3867 aids women-owned businesses with Federal procurement processes. The Women's Procurement Program was enacted 7 years ago to increase the number of contracts awarded to businesses owned by women.

However, the SBA has been dragging its feet in implementing the program, costing women tens of billions of dollars in lost contracting opportunities. H.R. 3867 fully implements the Women's Procurement Program, giving women-owned businesses greater access to the Federal marketplace.

The bill also takes the first step in modernizing the 8(a) program, which helps minority-owned businesses secure Federal contracts; but it has not been updated in over 20 years. The bill updates the 8(a) program to reflect today's economy so that minority-owned businesses have time to grow and graduate from the initiative.

□ 1100

Finally, H.R. 3867 continues the Democrats' commitment to combating fraud and eliminate wasting taxpayer dollars.

The bill enhances business integrity standards to ensure that taxpayer dollars only go to reputable individuals. It promotes self-policing to allow small businesses to challenge individual program awards. It protects disabled veterans by penalizing firms that falsely represent themselves as service-disabled veteran businesses, and it requires on-site reviews by SBA personnel before HUBZone contracts are awarded.

Madam Speaker, the bill before us today, H.R. 3867, has extremely strong bipartisan support. It passed the Small Business Committee by a vote of 21–4.

Among other organizations, it is supported by the National Federation of Independent Business, the U.S. Hispanic Chamber of Commerce, the National Black Chamber of Commerce, the U.S. Women's Chamber of Commerce, the American Legion and Veterans of Foreign Wars.

I would like to thank Chairwoman VELÁZQUEZ and members of the Small Business Committee for their hard work that went into this piece of legislation.

Madam Speaker, we all recognize the importance of small businesses to our economy. It is imperative that we follow through on our commitments to small business and give them every opportunity we can to succeed.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would like to thank my friend, the gentleman from California (Mr. CARDOZA) for the time, and I would yield myself such time as I may consume.

Small business is the engine that drives our economic strength. The almost 26 million small businesses in the United States employ over half of all private sector workers and pay approximately 45 percent of total U.S. private payroll. Over the last decade, small businesses have generated 60 to 80 percent of net new jobs annually.

Congress, for decades, has acknowledged the important role small businesses play in the Federal procurement process. This is evident in the Small Business Act of 1953. The Act says that, and I quote, ''it is the declared policy of the Congress that the government should aid, counsel, assist and protect . . . the interests of small business concerns in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government . . . be placed with small business enterprises.''

In 2006, the Federal Government spent over $400 billion on goods and services in over 8 million separate contracts. Small businesses won about 80 billion worth of those contracts, a little over 20 percent.

The Veterans Entrepreneurship and Small Business Development Act of 1999 established a goal of 3 percent for Federal contracts awarded to service-disabled veterans. Unfortunately, we have yet to meet that worthy goal.

The underlying legislation being brought to the floor today, H.R. 3867, the Small Business Contracting Improvements Act, seeks to expand procurement opportunities for businesses owned by service-disabled veterans by placing these businesses at the top of the priority list for receiving Federal contracts.

The legislation adjusts the net worth standard for businesses in the 8(a) program for the first time in about 20 years, to $550,000, so it is more consistent with inflation. To take part in the 8(a) program a business must be owned by citizens who are socially and economically disadvantaged. Participants in the program are eligible for sole source and limited competition government contracts. They also can receive a 10 percent cost advantage in some procurements.

As part of their campaign, Madam Speaker, the new majority spoke often about taking the House of Representatives in a new direction. Unfortunately, that direction seems to be backwards because now the Rules Committee no longer allows Members to present their amendments even if they're a few minutes late. That is a departure from the practice of the Rules Committee under the prior majority.

Last week, several Members attempted to file amendments with the Rules Committee. The majority denied the Members even the ability to file the amendment because they were a few minutes late, thereby denying Members the right even to come before the Rules Committee to speak about the merits of their respective amendments.

Representative KING attempted to file his amendment on-line as required by the committee; however, due to technical issues, he was not able to file the amendment on-line. Representative KING was told by the majority on the Rules Committee that they would waive the electronic filing requirement; however, because he had spent time trying to get the amendment filed electronically, he missed by a few minutes the deadline to physically file the amendment. It's disappointing that the majority would not allow Representative KING to offer his amendment when it was clear he was trying to comply with the filing requirements. Because of technical issues, he was delayed.

I understand the need the majority may have in issuing a deadline. But in the prior majority, Madam Speaker, we always allowed Members to at least file their amendments even if they were past the deadline, and even made some of those amendments in order. It is a shame that the new majority has decided to take a step back and not allow some discretion in this matter.

This new hard-and-fast time requirement is particularly difficult, if not impossible, when a Member is trying to file a second-degree amendment. As you know, Madam Speaker, a second-degree amendment is written to amend an amendment, so that it is not possible to draft such an amendment until the initial amendment was made public, and that list of amendments filed is not made public until after the amendment deadline.

We already saw how the new majority's requirement blocks amendments when, during a previous rule, Representative AKIN was not allowed to offer a second-degree amendment.

It's unfortunate, Madam Speaker, by not allowing Members to even offer amendments in the Rules Committee, we believe that the majority is, in effect, silencing the voices of millions of Americans.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would respond to my friend from Florida by saying that it is the hard copy being received in Rules Committee that needs to be done by the time that has been specified by the Rules Committee. Timely filed amendments were all made in order on the Republican side for this measure. We certainly look forward to our Republican colleagues filing amendments in committee when we've called for amendments to a bill, and encourage them to file on time.

Madam Speaker, at this time I would yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, let me thank the distinguished gentleman from California (Mr. CARDOZA), and thank the chairwoman and the ranking member of the full committee on the Small Business Administration, and acknowledge the important step that is being made here today dealing with insuring government contract opportunities for small businesses owned and controlled by service-disabled veterans. We are certainly going to have more of those. And every time you meet with a veterans group they wonder what are the opportunities for them.

Small businesses are the backbone of America and I do support this with legislation. I also hope, however, that this bill does not do harm to the HUBZones that have been used by many small businesses across America. And as we review it, I will look closely at this legislation to ensure that HUBZones are protected.

And I ask the question as to the formula that requires a site visit to the small business and background checks. I know for sure that many in the minority community use a small business as a step of opportunity out of a past that might not have been as they would have liked it to be. People who are rehabilitated who move forward in life should have an opportunity to provide for their families, and I would hope that that would be the framework of this particular legislation, that we're not doing harm to those opportunities because this is America.

And then I certainly would have wanted to have the amendment that I offered that indicated in times of natural disaster and/or an act of terrorism that small minority and women-owned and disabled veterans businesses be utilized in the area of the disaster. Certainly, if there is a disaster, those small businesses may be impacted. But what we saw in Hurricane Katrina, we saw the misuse of the small businesses who were there, meaning that they did not have the opportunity to, one, save the government money, but, at the same time, do the job on behalf of their community of which they loved. And so I hope that we will be able to work this language in, maybe through conference, because I think it is an important sense of Congress' statement, and I also hope that we will protect those HUBZones and make sure that we reaffirm the opportunities for all small businesses across America.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask my dear friend how many speakers he has remaining.

Mr. CARDOZA. I have one additional speaker that has arrived.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, we reserve.

Mr. CARDOZA. Madam Speaker, I would like to, at this time, yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Madam Speaker, I rise today in support of the Small Business Contracting Program Improvements Act.

Small business, as we all know, is the lifeblood of our communities. Small businesses are responsible for creativity, innovation, and community investment. I honestly believe that a community that has strong small businesses is a strong and vibrant community.

This legislation is going to give small businesses in my home state, southern Arizona, a chance to be competitive with federal contracts, whether it's in Oro Valley down to Green Valley or Tucson all the way to Bisbee and to Douglas.

For example, OfficeSmart in Sierra Vista, was founded in 1993 by Glenn McDaniel, a veteran, along with his wife, Diane. OfficeSmart has 12 employees and nearly 1,000 commercial customers in southern Arizona. They compete for federal contracts and to provide office supplies to Ft. Huachuca.

This bill is going to keep federal contract benefits targeted at local small businesses like OfficeSmart in local communities. It also honors our commitment to disabled veterans.

We know with the wars in Iraq and Afghanistan there will be more and more veterans. This legislation also kick-starts the SBA's Women's Procurement Program.

As a former president, CEO, and small business owner myself, I know the importance of small businesses and how difficult it is to compete. I strongly support passage of this bill and I urge Members on both sides of the aisle to support it.

Thank you, Madam Chairwoman for your hard work on this committee.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if he has no other speakers.

Mr. CARDOZA. No other speakers. We will be ready to close.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction and Veterans Affairs Appropriations Act.

The House of Representatives passed the veterans and military funding bill on June 15 of this year by a vote of 409–2, with the Senate following suit and naming conferees on September 6 of this year. Unfortunately, the majority leadership in the House has refused to move forward on this bill and name conferees.

Why has the majority decided to hold off on moving this bill, with bipartisan support, because that's what this is. This legislation has extraordinary bipartisan support. It was almost unanimously passed by this House.

Why has the majority decided to hold off on moving this bill forward?

Well, according to several publications, Madam Speaker, including Roll Call, the majority intends to hold back from sending appropriations bills to President Bush so that they can use an upcoming anticipated veto of one such bill, the Labor-HHS appropriations bill to serve as an, and I quote, ''an extension of their successful public relations campaign on the SCHIP program.''

□ 1115

So for purely partisan tactical reasons, Madam Speaker, the majority is holding back from sending to the President legislation to fund our veterans and military construction.

Now, recently, Madam Speaker, Republican Leader BOEHNER took a step towards naming House Republican conferees. Now, Speaker PELOSI should follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

Madam Speaker, every day that the majority chooses not to act to move this legislation forward, our Nation's veterans lose $18.5 million. Our veterans deserve better than partisan bickering holding back their funding. So I urge my colleagues to help move this important bipartisan legislation forward.

But, frankly, Madam Speaker, it is an unfortunate fact to have to report that this is the first time in 20 years where we have reached this date, end of October, and we are still waiting for the first spending bill to be sent to the President for his signature. It is most unfortunate. Most unfortunate.

So I urge my colleagues to help move the important legislation, the spending bill with regard to veterans and military construction, to move it forward, to send it to the President, to appoint conferees so that the final product can be sent to the President.

For that reason, Madam Speaker, we oppose the previous question and urge all of our colleagues to join us in doing so.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, the gentleman from Florida, my friend, has indicated that we are not adequately funding our Nation's veterans. I would like to remind the gentleman, my good friend, that the recent Republican-led Congress shortchanged veterans funding by failing to provide sufficient increases to keep up with VA's growing number of patients and the rising cost of health care while they were in charge.

In the summer of 2005, the VA confronted a $1.5 billion shortfall as they significantly underestimated the health care needs of the new veterans returning from Iraq and Afghanistan. This year the VA expects to treat 5.8 million patients, 1.6 million more than in 2001.

The new Congress, under the Democratic majority, committed to taking the country in a new direction. For 2007, the Democratic-held Congress increased veterans funding by $5.2 billion, and the Congress is proposing an additional increase of $3.8 billion more than the President in fiscal year 2008. That is the largest increase in veterans funding in 77 years.

The Democratic Congress once again is bringing to the floor a bill that provides real solutions to the obstacles facing America's small business owners, innovators, and entrepreneurs. H.R. 3867 ensures that veterans, women, and minority-owned businesses and other underrepresented entrepreneurs receive the assistance they need to thrive in the Federal marketplace. It also paves the way for them to develop their companies, create jobs, and give a much-needed jolt to our economy.

Madam Speaker, securing a Federal contract is a major boon for entrepreneurs, especially those owned by minority and veteran small businesses. This bill is yet another step towards ensuring that these businesses are not, in fact, left behind, but rather given every opportunity to succeed.

I appreciate the debate with my friend from Florida, and I urge a ''yes'' vote on the rule and on the previous question.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 773 OFFERED BY MR. LINCOLN DIAZ-BALART

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 773 will be followed by 5-minute votes on adopting House Resolution 773, if ordered; suspending the rules and concurring in the Senate amendment to H.R. 3678; and suspending the rules and passing House Joint Resolution 58.

The vote was taken by electronic device, and there were—yeas 216, nays 180, not voting 36, as follows:

[Roll No. 1013]

YEAS—216

Abercrombie	Cohen	Green, Al
Ackerman	Conyers	Green, Gene
Allen	Cooper	Grijalva
Altmire	Costa	Gutierrez
Andrews	Costello	Hall (NY)
Arcuri	Courtney	Hare
Baca	Crowley	Harman
Baird	Cuellar	Hastings (FL)
Baldwin	Cummings	Herseth Sandlin
Bean	Davis (AL)	Higgins
Becerra	Davis (CA)	Hinchey
Berkley	Davis (IL)	Hirono
Berman	Davis, Lincoln	Hodes
Berry	DeFazio	Holden
Bishop (GA)	DeGette	Holt
Bishop (NY)	Delahunt	Honda
Blumenauer	DeLauro	Hooley
Boren	Dicks	Hoyer
Boswell	Dingell	Israel
Boucher	Doggett	Jackson (IL)
Boyd (FL)	Donnelly	Jackson-Lee (TX)
Boyda (KS)	Doyle	Johnson (GA)
Brady (PA)	Edwards	Johnson, E. B.
Braley (IA)	Ellison	Jones (OH)
Brown, Corrine	Ellsworth	Kagen
Butterfield	Emanuel	Kaptur
Capps	Eshoo	Kennedy
Capuano	Etheridge	Kildee
Cardoza	Farr	Kilpatrick
Carnahan	Fattah	Kind
Carney	Filner	Klein (FL)
Castor	Frank (MA)	Langevin
Chandler	Giffords	Lantos
Clarke	Gillibrand	Larsen (WA)
Clay	Gonzalez	Larson (CT)
Clyburn	Gordon	

Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Bono
Carson
Cleaver
Cole (OK)
Cramer
Cubin
Deal (GA)
Engel
Granger
Hinojosa
Hoekstra
Hulshof
Hunter
Inslee
Issa
Jefferson
Jindal
Johnson (IL)
Kanjorski
Kucinich
Lampson
Mack
Musgrave
Myrick
Paul
Price (GA)
Roskam
Shuster
Simpson
Souder
Space
Stark
Tancredo
Waxman
Weller
Wilson (OH)

□ 1146

Mr. GINGREY and Mr. BLUNT changed their vote from ''yea'' to ''nay.''

Mr. COOPER and Mr. MCDERMOTT changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 3678, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3678.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 1014]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler

Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Carson
Cole (OK)
Cramer
Cubin
Deal (GA)
Engel
Granger
Hinojosa
Hoekstra
Hulshof
Inslee
Issa
Jefferson
Jindal
Johnson (IL)
Jones (OH)
Kucinich
Lampson
Musgrave
Myrick
Paul
Roskam
Shuster
Simpson
Souder
Sullivan
Tancredo
Waxman
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1155

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JONES of Ohio. Madam Speaker, on rollcall No. 1014, I was speaking to a group of students from my own district on the Capitol steps. Had I been present, I would have voted "yea."

EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 2007 AS ''COUNTRY MUSIC MONTH''

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the joint resolution, H.J. Res. 58, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the joint resolution, H.J. Res. 58.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 34, as follows:

[Roll No. 1015]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—34

Carson
Cole (OK)
Cramer
Cubin
Deal (GA)
Engel
Granger
Hinojosa
Hoekstra
Hoyer
Hulshof
Hunter
Inslee
Issa
Jefferson
Jindal
Johnson (IL)
Kirk
Kucinich
Lampson
Musgrave
Myrick
Paul
Roskam
Scott (GA)
Shuster
Simpson
Smith (TX)
Souder
Tancredo
Waxman
Weller
Wilson (OH)
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1202

So (two-thirds being in the affirmative), the rules were suspended and the joint resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

October 29, 2007: rollcall vote No. 1010, on motion to suspend the rules and pass, as amended—H.R. 3224, the Dam Rehabilitation and Repair Act of 2007—I would have voted "nay"; rollcall vote No. 1011, on motion to suspend the rules and pass, as amended—H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes—I would have voted "aye"; rollcall vote No. 1012, on motion to suspend the rules and agree—H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali—I would have voted "aye."

October 30, 2007: rollcall vote No. 1013, on ordering the previous question—H. Res. 773, Providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes—I would have voted "nay"; rollcall vote No. 1014, to suspend the rules and agree to the Senate amendment—H.R. 3678, Internet Tax Freedom Act

Amendments Act of 2007—I would have voted "aye"; rollcall vote No. 1015, on motion to suspend the rules and pass—H.J. Res. 58, Country Music Month—I would have voted "aye."

PERSONAL EXPLANATION

Mr. LAMPSON. Madam Speaker, on rollcall Nos. 1013, 1014, and 1015, had I been present, I would have voted "yea" on all.

PERSONAL EXPLANATION

Mr. COLE of Oklahoma. Madam Speaker, on Tuesday, October 30, 2007, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows: (1) Rollcall vote No. 1013: "nay" (Previous Question on the Rule providing for H.R. 3867); (2) rollcall vote No. 1014: "yea" (On agreeing to the Senate Amendment on H.R. 3678 under suspension of the rules, the Internet Tax Freedom Act); (3) rollcall vote No. 1015: "yea" (Passage of H.J. Res. 58 under suspension of the rules, Expressing support for designation of the month of October 2007 as "Country Music Month" and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism).

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately today, October 30, 2007, I was unable to cast my votes on H. Res. 773, H.R. 3678, and H.J. Res. 58 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 1013 on Ordering the Previous Question on H. Res. 773, Providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes, I would have voted "nay."

Had I been present for rollcall No. 1014 on suspending the rules and agreeing to the Senate Amendment to H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 1015 on suspending the rules and passing H.J. Res. 58, Country Music Month, I would have voted "yea."

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and enter into the RECORD any extraneous materials on the bill under consideration.

The SPEAKER pro tempore (Mrs. TAUSCHER). Is there objection to the request of the gentlewoman from New York?

There was no objection.

SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 773 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3867.

□ 1203

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3867) to update and expand the procurement of the Small Business Administration, and for other purposes, with Mr. HOLDEN in the chair.

The Clerk read the title of the bill.

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

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

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

Mr. Chairman, in recent years, the Federal marketplace has seen phenomenal growth. However, while procurement opportunities are increasing, agencies are failing to meet their small business, women, service-disabled veterans, minority and low-income contracting goals. This has not only cost small businesses billions of dollars in lost opportunities but deprives the government of a valuable supplier.

Our Nation's entrepreneurs play an important role in the procurement system, providing diversity, competition, and ensuring we get the best value for the taxpayers' dollar. To help them get a start, there is an array of contributing programs offering technical assistance, purchasing flexibility and targeted benefits. Unfortunately, due to legislative neglect, under funding and mismanagement by several administrations, the programs have fallen far short of their full potential, leaving many small businesses outside of the Federal marketplace.

The Small Business Contracting Program Improvements Act, introduced by myself and Representative Mary Fallin, will change that by making important improvements to women, minority, HUBZone and service-disabled veteran contracting programs. H.R. 3867 will immediately implement the Women's Procurement Program that has languished in the current administration's endless delays. It also updates the economic criteria for the 8(a) program, reflecting current fiscal realities. The last time Congress addressed the 8(a) program was almost 20 years ago, when a gallon of gas was 90 cents and the average cost of a home was less than $90,000. For too long we have forced minority businesses to operate under antiquated financial standards that in many cases were simply setting them up to fail.

Most importantly, this legislation will give our service-disabled veterans top priority when it comes to contracting. For those men and women returning from Iraq and Afghanistan, many with life-altering injuries, this bill will provide the tools to start a new endeavor and begin a new life. These changes would go a long way to addressing many of the program's shortcomings that have frustrated our Nation's small business owners.

Mr. Chairman, H.R. 3867 also fights fraud in the Federal marketplace. Contracting opportunities are a privilege, not a right. The Small Business Contracting Improvement Act makes that clear. For the first time, we are imposing a business code of conduct on all participants, requiring the Federal Government to verify that individuals are who they claim and empowering small firms to police their own programs. This will restore integrity to these critical programs.

Through modernizing programs and increasing accountability, H.R. 3867 brings SBA's contracting programs into the 21st century. It is for this reason that this legislation has attracted remarkably broad support, including the National Federation of Independent Business, the Associated General Contractors, the American Legion, Veterans of Foreign Wars, AMVETS, the U.S. Hispanic Chamber of Commerce, the National Black Chamber of Commerce, the U.S. Women's Chamber of Commerce, the International Franchise Association, as well as the National Defense Industrial Association and the Aerospace Industries Association.

This is a measured approach that balances the need to give program flexibility within the realities of current agency buying strategies. It is good for small business, good for the agency, and, most importantly, good for taxpayers.

I urge my colleagues to support this legislation.

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

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

Mr. Chairman, I rise in opposition to H.R. 3867, the Small Business Contracting Program Improvements Act. I strongly support the provisions in the bill that help those Americans, veterans of our Armed Forces, who have provided the great sacrifices to defend our freedom and our way of life. However, there are other provisions that are sufficiently problematic that makes it impossible for me to support the overall bill.

In 1997, Congress established the Historically Underutilized Business Zone, or HUBZone program. The program is designed to assist areas of low income and high unemployment by providing incentives for government contractors to relocate in these areas and expand their operations. By making it easier for small businesses located in HUBZones to win Federal contracts, Congress expected more government contractors to relocate in these areas and provide an important component to their revitalization.

As anyone who has traveled through many urban and rural districts realizes, they have a large number of HUBZones. Unfortunately, H.R. 3867 could make it more difficult for HUBZone firms to win government contracts and thereby detract from the ability of this program to help revitalize urban and rural areas that need greater economic development.

Mr. Chairman, while I concur with the Chair of the committee that we need to ensure that only firms eligible for the HUBZone program participate, it is unnecessary to take punitive action against HUBZone firms as a result of a few bad actors. I am sure that if we scrutinize each of the procurement programs, we could find a few bad actors in each. That justifies taking appropriate legal action against the bad actors. It does not, in our view, necessitate punishing the firms that complied with the letter and spirit of the law.

It also is important to note that a number of the issues raised in this legislation are being addressed by the administrator of the SBA. I certainly understand the frustration that Members of Congress have when the executive branch does not implement legislation in a timely manner. Nevertheless, one aspect of this bill involves a program that has not been implemented for 7 years. While that normally would suggest further legislative action, the administrator, we believe, is doing everything possible at this point to issue rules, a process that can take time. In addition, the program is the subject of a lawsuit in which the plaintiffs have not sought any subsequent court action for nearly 2 years since the Federal Court ruled that the SBA violated the Administrative Procedure Act and failed to implement the program.

Mr. Chairman, I also would point out that the bill as reported out of committee, in our opinion, would only complicate the implementation of the procurement program. While I understand that the chairwoman will be offering an amendment to correct that problem, it does so by classifying 92 percent of the industries in the United States as historically underrepresented by women businesses and Federal procurement. While I concur that women are historically underrepresented in the Federal procurement arena, the amendment paints, we believe, with a broad, over-inclusive brush, and may include numerous industries in which businesses are not underrepresented by women entrepreneurs.

I also need to point out that the bill would classify individuals as economically disadvantaged if they have assets exclusive of their primary residence and their business up to $550,000. So over a half million dollars. According to research by our staff, roughly half the Members of Congress, half the Members of this body would qualify as economically disadvantaged under that standard. I find it very difficult to believe that the average American would consider a Member of Congress to be economically disadvantaged.

These are only some of our concerns about the bill that we have before us here today. While some of these concerns are technical in nature, my primary dispute with the bill is that it continues, unfortunately, to segment the small business government contracting arena. The result is that, in our opinion, rather than growing opportunities for all small businesses, it pits all of these deserving groups against one another. That, in our view, undermines their ability to speak as a united front in debates over Federal procurement policy that would promote all of their interests.

Despite my disagreement with the chairwoman, I do not doubt her sincere desire to improve the SBA contracting programs. The Chair and her staff, particularly Michael Day and Adam Minehardt, should be commended for their efforts in trying to find a solution that I, in good conscience, could have supported. However, the philosophical gap was simply too large to span. Therefore, I cannot support this legislation. I would urge my colleagues to vote ''no.''

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to a member of the Small Business Committee, the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Chairman, I rise in support of this bill for two goods that are within it. The first has to do with our servicemembers, those that have become disabled because of their service. This bill, for the first time, gives priority, even if it's just one company that is veteran-owned and has the service-disabled owning that company, even if there are other competitors. I think this is extremely important, particularly in this time of war in Iraq and Afghanistan.

□ 1215

I say that because in World War II, on average, our soldiers had 182 days of combat. In between horrific battles of Guadalcanal, Iwo Jima or the Battle of the Bulge, there was dwell time in which our servicemembers had time to rest before the next onslaught.

In the war in Iraq, our servicemembers go outside the wire every day into combat for 15 months. We are seeing a higher rate of post-traumatic stress disorder coming back than we have seen in any war. Some say over 30 percent. That will feed into our society.

So that this bill addresses the fact that our society owes something to those who wear the cloth of this Nation, particularly in such a challenging war, I speak up in support of it.

The second is women business owners. The fact that the goal has been for years that 5 percent of all Federal contracts will go to women business owners, we have only met the goal of 3.4 percent. I believe this bill goes a large step towards helping those, particularly the economically disenfranchised, to be able to have industries that are underrepresented, to now have the competition remain with women business owners. And if they are substantially underrepresented, it can then open up to those women business owners who are not economically disadvantaged. So I speak up in support of this bill both for veterans and for women.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentlewoman from New York (Ms. CLARKE), a member of the committee and a cosponsor of the bill, for 2 minutes.

Ms. CLARKE. Mr. Chairman, first I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ) for her leadership in bringing this bill to the floor today and her steadfast commitment to the small businesses of our Nation.

I support the Small Business Contracting Program Improvements Act, which encourages participation by qualified small businesses and improves key sections of the Small Business Act to prevent fraud in the SBA's contracting programs.

H.R. 3867 requires the Small Business Administration to immediately implement the Women's Procurement Program after 7 years of no action by the administration to put the program in action.

It will allow agencies to limit competition for Federal contracts only to women business owners in industries that have been closed to them. This legislation now requires SBA to evaluate industries where women entrepreneurs are economically disadvantaged and gives the SBA authority to waive any restrictions where women-owned enterprises are substantially underrepresented.

I believe this bill will finally correct the imbalance in the number of women-owned businesses nationally when compared to their presence in the Federal marketplace.

H.R. 3867 also strengthens the HUBZone program by requiring construction contracts to be performed within a reasonable distance of the particular HUBZone the contractor is to benefit. It will limit construction contract awards being performed more than 150 miles from the primary office location of the HUBZone-approved company.

The Small Business Contracting Program Improvements Act modernizes the 8(a) program to update and revise qualification requirements and ensure that 8(a) contracts go to qualified companies.

This bill provides an opportunity for all qualified small businesses to have a fair opportunity in the Federal marketplace. I want to thank Chairwoman VELÁZQUEZ for her steadfast commitment to the women, minority-owned and disabled veterans and disadvantaged small businesses of America. I

strongly support this legislation, and I urge my colleagues to do likewise.

Mr. CHABOT. Mr. Chairman, we have no further speakers, and I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES), an original cosponsor of the legislation and chairman of the Intelligence Committee.

Mr. REYES. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support H.R. 3867, the Small Business Contracting Program Improvements Act of 2007. I would like to give special recognition to our distinguished chairman of the Small Business Committee, Chairwoman VELÁZQUEZ, for her tireless work over the years on behalf of America's small business owners, many of whom reside in my district of El Paso, Texas.

I would also like to commend Congressman BRUCE BRALEY who, in just his first year in Congress and as chairman of the Small Business Contracting Subcommittee, has proven to be an outstanding fighter for small businesses.

H.R. 3867 expands opportunities for small businesses owned by veterans. And veterans, and in particular disabled veterans who own businesses, are going to be watching very closely how Members vote on this bill here today. It also expands opportunities for women who will also look at how people support their efforts in the small business community. Minorities are watching very closely who votes for this legislation, and all others who constitute the most critical force for economic growth in our country.

While I support this bill as a whole, I today want to speak specifically about the provisions of this bill that modernize and update the 8(a) program at the Small Business Administration. In 1968, Congress established 8(a) to assist small businesses owned by citizens who are socially and economically disadvantaged. Over the years, the 8(a) program has helped ten of thousands of businesses grow and prosper by allowing entrepreneurs valuable access to Federal contracts.

A large part of the program's success is a provision that makes companies with 8(a) certification eligible for smaller government contracts on a sole-source basis. In 1968, those smaller contracts were defined as contracts not exceeding $3 million in value for services or $5 million in value for manufacturing. Unfortunately, in the nearly 40 years since, these limits have barely risen, leaving our small businesses an ever-shrinking slice of the Federal contracting pool.

Earlier this year I introduced H.R. 1611, the 8(a) Modernization Act, to turn the clock forward for the thousands of small businesses that we have unfortunately left behind. This bill does two things: one, it increases the allowable net worth for 8(a) participants; and, two, it increases the limit on sole-source contracts for 8(a) companies.

H.R. 3867 includes both of these essential changes which are important not only to many small businesses in my district, but to countless American entrepreneurs around the country, including our veterans.

Mr. Chairman, this is a good bill. I am proud to be an original cosponsor of it, and I urge all of my colleagues to give it their full support. Again I thank Chairwoman VELÁZQUEZ for the time to speak here today and for her untiring leadership on behalf of small businesses.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BACA), chairman of the Congressional Hispanic Caucus.

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

Mr. BACA. Mr. Chairman, I rise to support H.R. 3867, the Small Business Contracting Program Improvements Act. I want to thank my colleague, Chairperson VELÁZQUEZ, for her leadership.

Small business is the backbone of our economy. And I state, small business is the backbone of our economy. Over 4 million minority businesses represent almost 20 percent of all firms in this country. They generate nearly $7 billion annual revenue and employ almost 5 million workers. And I state, 5 million workers.

Minorities make up 32 percent of the population of this country, but they only represent 18 percent of all small businesses. This bill will close the gap, and I state, will close the gap by improving the Small Business Administration's small and minority business procurement programs and will help disabled veterans, women, minority businesses, both Hispanic, black, Asians and others, and provides small business minority businesses the assistance they need to grow and prosper.

Like in the Inland Empire where the majority of businesses are small businesses and represent the largest growth and the engine that drives the economy in the State of California, SBA 8(a) programs, which open the doors to more than half of all Federal minority business contracts, have not been updated since 1988.

This bill revamps the program to improve 8(a) firms' ability to secure in the Federal sector. It is time to level the playing field so the small minority business firms have equal access to Federal contracts. Every dollar invested in the 8(a) program results in over $4 million in contracts to minority entrepreneurs. This translates into more jobs across the Nation. I urge my colleagues to support this bill.

Mr. CHABOT. Mr. Chairman, I continue to reserve.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to Mrs. TUBBS JONES from Ohio, the chairwoman of the Committee on Standards of Official Conduct, 2 minutes.

Mrs. JONES of Ohio. Mr. Chairman, it gives me great pleasure to come to the floor in support of this great legislation. I want to say I am so proud of the Chair of the Small Business Committee. She was my first ranking member when I came to the Congress back in 1999, and I had the opportunity to serve on the Small Business Committee along with Financial Services.

We have all been talking about small businesses and how important it is, and it is all right to talk about it. But if you don't do anything about it, that presents a problem.

I think about the district that I represent, the greater Cleveland area, and the need we have to do economic development in the City of Cleveland. I am so glad this legislation focuses in on some of those areas. I represent a district that is 52 percent African American, and it is important that African American businesses in my congressional district have an opportunity to sit at the public too and receive some of those dollars in terms of developing their businesses.

One of the things that has happened over the years is being a minority business has gotten so good, there are people who perpetrate. That means they pretend they are a minority business. They will get a minority to stand in the front of their business, and the business is really a majority business. Or they will get a woman to stand in front, and it is really a majority business. And this legislation focuses in on the fraud.

I am so happy because there are so many businesses that deserve an opportunity to do business with the Federal Government. In addition, there are so many other areas of focus that this chairwoman has put a focus on around small business.

If we really believe that small business is the engine that pushes and grows America, let's give small businesses the train to push it. I thank her for her leadership. I thank her for an opportunity to speak this afternoon. I encourage all of my colleagues from the Democrats, as well as the Republican, who truly believe that small business needs a leg up to support this legislation.

Mr. CHABOT. Mr. Chairman, I continue to reserve.

Ms. VELÁZQUEZ. Mr. Chairman, I have no further speakers and I am prepared to close if the gentleman is prepared to close.

Mr. CHABOT. Mr. Chairman, we have already stated our concerns about the bill in particular, but I would again emphasize the fact that the chairwoman did reach out, and her staff did as well. But philosophically, this was a bridge too far. We want to thank them again for working in a cooperative manner. This is a committee that under the Chair's direction has worked very much with the minority, and we want to thank them and hope that we

can continue to work together on bills in the future.

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

Ms. VELAZQUEZ. Mr. Chairman, the improvements made under H.R. 3867 are commonsense changes that would modernize and increase program accountability. Coupled with the sweeping reform the House passed earlier this year to our procurement system, this bill will have an immediate impact on every facet of the small business community, including women, minorities and service-disabled veterans.

It is for these reasons H.R. 3867 has some of the most diverse support of any bill coming out of the committee this year, ranging from small business trade groups including NFIB, the International Franchise Association and the Associated General Contractors to minority advocates such as the Black, Hispanic and Women's Chambers of Commerce. It also has the support of veterans groups, including the American Legion, VFW and AMVETS, as well as Aerospace Industries Association and the National Defense Industrial Association.

With the passage of H.R. 3867, we increase opportunities for entrepreneurs to become valuable suppliers to the Federal Government, recognizing their contribution to the economy.

I just would like to take a moment to thank the staff that worked on this legislation: from the Small Business Committee majority staff, Adam Minehardt, LeAnn Delaney and Michael Day; from the minority staff, Barry Pinclis and Kevin Fitzpatrick; and Nate Webb from Ms. FALLIN's staff.

I strongly urge my colleagues to vote for H.R. 3867, Small Business Contracting Program Improvements Act.

Mr. CONYERS. Mr. Chairman, two weeks ago, the House agreed nearly unanimously to pass H.R. 3678, the Internet Tax Freedom Act Amendments Act. Most significantly, that bill would extend the Internet tax moratorium and grandfather protections for 4 years, clarify the treatment of gross receipts taxes, and revise the definition of Internet access.

As my distinguished colleague from North Carolina, Congressman WATT, stated on the floor that day, the House bill was ''an excellent example of what can occur when we work together—on both sides of the aisle—to deal with highly complex issues.''

Our bipartisan legislation was supported by industry groups such as the Don't Tax Our Web Coalition, as well as by various government organizations like the National Governors Association, the Federation of Tax Administrators, the National Conference of Mayors, and the National Conference of State Legislatures. It was also supported by a wide range of labor and union groups. And with that broad support, the House passed H.R. 3678 by a vote of 405–2.

The Senate has returned the bill to us with some amendments, and so now we are considering it again. There are four changes:

First, the Senate version extends the moratorium on State and local taxes on Internet access, with the grandfather protections, for 7 years, until November 1, 2014, rather than the 4 years in the House bill.

Second, the Senate version gives 7 months for certain States to adjust to a phase-out of additional grandfather protection they have been claiming.

Third, the Senate version expands the definition of Internet access to prohibit taxation of certain services which are fee-based, not packaged with Internet access, and offered from sources other than providers of Internet access.

Fourth, the Senate version prohibits a State from reimposing Internet access taxes under a grandfather clause if the State had eliminated those taxes more than 2 years ago.

While these lengthier time periods, expanded definitions, and tighter restrictions on the States go beyond where the House drew the line, I believe the new line is within reasonable bounds, and responds to many of the same considerations that motivated the House in crafting the version passed 2 weeks ago.

Like the House bill, the Senate version is designed to allow businesses sufficient time to plan, ensure that consumers continue to benefit from tax-free access to the Internet during this period, while enabling Congress to revisit the moratorium in light of developments in the States or in technology—as Congress had done each time it has extended the original moratorium—in 2001, 2004 and in this bill.

The Senate version remains true to the essential goals of the House bill, including our refinements to the definition of Internet access and our decision to provide a temporary extension of the moratorium. Like the House bill, it is designed to minimize adverse effects on State and local government revenue, to treat businesses fairly, and to keep Internet access affordable to consumers.

Nonetheless, we must be mindful of the potential misinterpretation of the new definition of Internet access. Therefore, I state our intent in revising the definition. H.R. 3678:

Alters the current definition of ''Internet access'' by making it clear that the prohibition on State and local taxation extends to that portion of a service that connects a user to the Internet and enables a user to navigate the Internet for the purpose of gaining access to the content, information and services that are available over the Internet (section 1105(5)(A) of the Internet Tax Freedom Act as amended by this bill). This new definition eliminates existing language that could have been interpreted to allow an Internet service provider to bundle content, information, and services that might otherwise be taxable with Internet access and claim that the entire package is exempt.

Preserves in subparagraph B of the new definition of Internet access changes made to the definition in the Internet Tax Nondiscrimination Act (P.L. 108–435) regarding the taxation of certain telecommunications. The language is modified in this bill only as to form to fit the new definition of Internet access as contained in this bill. The provision is intended to insure that all technologies used to access the Internet (e.g. cable, satellite, wireless, DSL, etc.) and the components used to provide the access are subject to the moratorium and protected from taxation by State and local governments. As noted in the Committee Report accompanying the bill that ultimately became Pub. L. No. 108–435 (Senate Report 108–155, 108th Congress, 1st Session, p. 4), the definition ''is not meant to affect States and local taxation of traditional telecommunications services and other services that are not used to provide Internet access. For example, the moratorium does not allow an Internet access provider to claim or to seek immunity from State or local taxes for the provision of other services—such as cable television programming—that are separate from Internet access. Nor does the moratorium exempt telecommunications services provided over the same facilities that are not used to provide Internet access.''

Clarifies in subparagraph C that services incidental to and provided with a connection to the Internet are not taxable. Such services are generally offered for free and provide the user with basic services to make the Internet functional for the user.

Addresses in subparagraph D concerns that the existing definition allows goods or services that are used or delivered over the Internet to become subject to the moratorium if they are offered as a package with Internet access. In 2004, concerns about the bundling provision led to a specific exception from the moratorium for voice-over-internet-protocol services. This section defines the VOIP exception of the current law as one of the services that is specifically excluded from Internet access and makes it clear that neither VOIP nor any other good or service that uses the Internet is subject to the moratorium. Since VOIP is specifically excluded from the definition of Internet access, the existing exception for VOIP was removed as redundant.

Includes in the new definition in subparagraph E certain services that would be subject to the moratorium under subparagraph C if offered with a service described in subparagraph A, are part of the moratorium even though they are fee-based and offered separately from a service described in subparagraph A. The list of services under this subparagraph is meant to be limited and exhaustive.

Mr. Chairman, H.R. 3678 as amended by the Senate remains a good, strong bill that provides much needed clarity to the communications and Internet industries, and strikes an appropriate balance in addressing the needs of States and local governments while helping keep Internet access affordable.

Mr. Chairman, I urge my colleagues on both sides of the aisle to join me in supporting this bill as the Senate has sent it back to us.

Mr. BRALEY of Iowa. Mr. Chairman, I would like to take a moment to thank Small Business Committee Chairwoman NYDIA VELÁZQUEZ and Ranking Member STEVE CHABOT for all the great work they have done in the Small Business Committee this year.

As Chairman of the Small Business Subcommittee on Contracting and Technology and a cosponsor of this legislation, I applaud their efforts on the Small Business Contracting Improvements Act of 2007. This act proposes important improvements to the Small Business Administration's small and minority business procurement programs.

Today I am proud to introduce an amendment with Congressman PETER WELCH on an issue that could have a potential impact in my district. This amendment requires the Small Business Administration to conduct a study on the effectiveness of the HUBZone program in reaching rural areas. Rural areas make up a big part of my District and I want to ensure that my constituents are not overlooked when it comes to federal contracting opportunities.

H.R. 3867 will help small businesses. In the Small Business Subcommittee on Contracting and Technology's first hearing, we heard witnesses representing women-owned businesses describe how the federal government was failing to keep its commitment to them. They talked not only about how the 5 percent goal for women-owned businesses was not being met, but also about how the Women's Procurement Program, which was enacted in 2000, has yet to be implemented by the SBA. This bill will ensure the Women's Procurement Act is finally implemented.

I am pleased this legislation also expands procurement opportunities for small businesses owned by service-disabled veterans. Additionally, it strengthens community development through changes to the HUBZone program and makes important updates to the 8(a) program, which is one of the most important vehicles for minority business participation in federal contracting.

The SBA Office of Advocacy has found that although minorities make up 32% of the population in this country, they constitute only 18% of businesses. It is clear we must provide additional opportunities to these small minority businesses to close this gap.

By law, federal organizations are required to support small businesses. However, over the past 5 years, total government contracting has increased by 60% while small business contracts have decreased by 55%. This suggests that the SBA's procurement initiatives are not bringing work from the large business share to the small business share, but rather are forcing small businesses to compete for an increasingly smaller piece of the pie.

It is essential that small businesses have access to the over $400 billion per year federal marketplace. The Small Business Contracting Improvements Act nicely complements H.R. 1873, the Small Business Fairness in Contracting Act, a bill I introduced in April that later passed the House on May 10th by an overwhelming bipartisan vote of 409–13. My bill will give small businesses more opportunities to compete for federal contracts, raising the small business federal contracting goal from 23% to 30%. This means that all of the programs included in the Small Business Contracting Improvements Act will have greater opportunities to compete for federal contracts.

Thank you once again, Mr. Chairman, and thank you to all of my colleagues who join me today in standing up for the interests of small businesses.

Ms. CASTOR. Mr. Chairman, the Small Business Contracting Improvements Act and this rule will open up greater opportunities to small business owners across this Nation. Small businesses are the backbone of our local communities. In my hometown of Tampa, Florida, more of my neighbors and folks I represent work for small businesses than any other type of business—and we value what they do because it gives our community character and diversity.

I want to thank Congresswoman VELÁZQUEZ for bringing this legislation to the House floor today. In America, small businesses account for 50 percent of our gross domestic product. Last year, the federal government spent over $400 billion on goods and services and only about 20 percent went to small businesses—approximately $80 billion in contracts. Our actions today will assist these talented small businesses obtain a better, fair share of federal government contracts.

The Small Business Contracting Improvements Act also strengthens and modernizes contracts for small businesses and sets standards to protect the integrity and consistency. Despite a 50-year-old mandate, small businesses owned by disabled veterans, female entrepreneurs, and minorities have not received a fair share of federal contracts. Back home in Tampa, there are 47 disabled veteran businesses, 512 state-certified minority-owned businesses, and over 77,000 small businesses. I am proud that we will act to expand their opportunities, with others across the country so that they can thrive and flourish.

Although the Congress passed the Women's Procurement Program 7 years ago, the Bush Administration failed to follow through. According to Margot Dorfman, CEO of the U.S. Women's Chamber of Commerce, each year of delay in the implementation of the Women's Procurement Program, has cost women-owned businesses billions of dollars in contract award opportunities.

Businesses owned by disabled veterans currently receive only a small fraction of federal contracts as well. We can expect to see an immediate and substantial increase in opportunities for these business owners.

And for businesses that go into economically distressed neighborhoods like ''HUBZones,'' this bill will ensure further community development through the strengthening of the HUBZone requirements. For example, Carl Calhoun, in South St. Petersburg explained to me that had it not been for the chance to compete for federal contracts that he would not have gotten the capital necessary to start his family-owned and -operated business that manufactures premium bedding (mattresses, box springs and foundations).

Mr. Chairman, this important small business bill and this rule will update and expand opportunities and encourage participation by qualified small businesses. We will remove barriers that prevent deserving businesses in my Tampa Bay district, and others across the country, from achieving the goal of full participation and a fair share of federal contracts.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in strong support of H.R. 3867, the Small Business Contracting Program Improvements Act.

I want to thank Chairwoman VELÁZQUEZ for introducing this important legislation, and for all of her hard work in getting it to the floor today.

This bill is important to all Americans, because small business keeps this country working.

The Federal Government has numerous programs to assist America's small businesses, but problems remain, and H.R. 3867 addresses several of them.

In particular, I support the bill's efforts to crack down on large firms that masquerade as small businesses.

In the aftermath of Hurricane Katrina, we learned about a particular multinational corporation that listed itself as a small business and gained disaster recovery contracts set aside for small businesses.

When we checked further, we found that this firm had 17 divisions and had generated $4.5 billion in revenue in its North American operation alone.

That surely doesn't look like any small business I've ever seen.

Morever, we learned that this was not the first time that this multinational company had been awarded contracts that were set aside for small businesses.

In fact, another government agency had given them an award for outstanding ''small business performance''.

H.R. 3867 creates penalties for companies that misrepresent themselves as being owned by ''a service-disabled veteran.''

This is a good first step at cracking down on companies that misrepresent themselves to improperly gain government contracts.

At the same time, the Small Business Administration needs to step up and do more.

SBA must full its responsibility to enforce the laws and allow small businesses the opportunities that Congress has said they should have.

Until the laws we pass are truly enforced, small business will never be able to fulfill their economic promise.

I urge my colleagues to support it.

Mr. MANZULLO. Mr. Chairman, I rise in reluctant opposition to the Small Business Contracting Program Improvements Act (H.R. 3867). The aims of this legislation are noble. The purpose of this bill is to make a variety of changes—some long overdue—to several of the sub-small business federal contracting goals.

I commend the authors of H.R. 3867 for strengthening the procurement set-aside program for service-disabled veteran-owned small businesses in Title I. I also praise the effort to finally get the women's procurement program off the ground. During my tenure as chairman of the Small Business Committee, I was proud of my bipartisan work to pressure the SBA to implement this initiative. However, I remind my colleagues that under the new leadership of the administrator of the Small Business Administration, SBA, Steven Preston, more action has been taken in the past year to implement the women's procurement program than in the previous seven since the program was first created. The SBA is near completion of a final rule, which will pass constitutional muster, on the women's procurement program. Thus, I counsel continued patience and I hope that Title III in H.R. 3867 will not be needed.

However, I am disappointed that the increase in the size in contracts available to small manufacturers awarded without competition is not significantly increased. While Section 204 of H.R. 3867 provides a long-overdue inflationary increase to the contract limitation level for other small businesses, from $3 million to $5.1 million, the size for small manufacturers is increased by just $500,000—from $5 million to $5.5 million. This small increase diminishes the value of this benefit to U.S. small manufacturers, particularly as compared to other small businesses. To keep up with inflation and provide an equivalent benefit, this contract limitation should be increased to $8.5 million for small manufacturers.

This bill also unfortunately pits two sets of small businesses against each other—a minority small business development program 8(a) versus a procurement preference program that encourages small businesses to develop and hire local workers in economically-distressed areas of the country, otherwise known as Historically Underutilized Business, HUB, Zones. When I was chairman of the Small Business Committee, I never brought a bill to the House floor that helped one set of small businesses at the expense of another group of small businesses, particularly those

firms that are committed to redeveloping economically-distressed areas in both urban and rural America.

H.R. 3867 makes the 8(a) program more attractive while putting more hurdles in front of the HUBZone program. This is ironic because the Federal government has never met the 3 percent goal for HUBZones since its creation in 1996 but routinely meets and exceeds the 5 percent goal for minority or Small Disadvantaged Businesses, SDBs, of which 8(a) firms is a part.

A key blow to the HUBZone program is contained in Section 101(b) of H.R. 3867. This provision makes the HUBZone program discretionary or optional on the part of Federal contracting officers. This will only further discourage the use of HUBZone firms by the government to fulfill its procurement needs.

H.R. 3867 also requires an on-site inspection by SBA personnel of a small business to confirm HUBZone status prior to the award of their second program-related contract. Because of the limited resources at the SBA, this could delay the completion of contracts by weeks, if not months, while the HUBZone firm awaits this audit. Again, a Federal contracting official would be disinclined to use a HUBZone firm if it meant a longer time before a Federal agency would receive the good or service that was put out to bid. The non-partisan Congressional Budget Office, CBO, estimates that this provision alone would cost $62 million over the next 5 years to complete 5,000 on-site visits that would be performed each year. There are other ways to accomplish the same goal of making sure that HUBZone firms are in compliance with all the requirements of the law, including a closer review by the SBA of HUBZone applications, an expedited protest process by other small businesses, and enhanced criminal and civil penalties for false or misleading statements.

Finally, H.R. 3867 prohibits HUBZone construction firms from participating in projects more than 150 miles from its headquarters location. This would put a severe competitive disadvantage to HUBZone firms located in rural areas from performing work on Federal Government construction contracts located far away.

In the northern Illinois congressional district I am proud to represent, two entire mostly rural counties—Carroll and Stephenson—are HUBZones. Also, HUBZones are located in certain urban parts of Winnebago County, mostly in the city center areas of Rockford along the Rock River that have suffered from the closure of numerous manufacturing facilities. This bill would put a further competitive disadvantage to any HUBZone firms located in the 16th District to compete for Federal business located even as close as the nearest major Federal procuring center in Illinois—Scott Air Force Base, which is about 300 miles away from Rockford and Freeport, Illinois.

While claiming to correct alleged abuses and fraud in the HUBZone program, H.R. 3867 opens up the 8(a) program to potential abuse by increasing the economic disadvantage threshold test above the average rate of inflation and applying this test only once upon entry into the program. The current economic disadvantage threshold level, which has not been changed since 1988, is $250,000. I agree that this level needs to be increased to compensate for inflation. However, H.R. 3867 raises this level to $550,000 even though the rate of inflation since 1988 would produce a result of $440,000, according to the Bureau of Labor Statistics. Also, the SBA currently applies this wealth test annually to ensure that the 8(a) program truly serves economically disadvantaged small business owners. Eliminating this yearly test could potentially lead to fraud if a wealthy person seeking entry into the 8(a) program is creative in shifting around their assets. H.R. 3867 would also allow multi-millionaires to remain in the 8(a) program for 10 years once they pass the first economic disadvantage test.

Most critically, H.R. 3867 does not deal with the fundamental problem in the 8(a) program cited in numerous SBA Office of Inspector General reports that 50 percent of the dollars obligated against 8(a) contracts went to a mere 1.7 percent of the 8(a) firms and over 70 percent of the eligible firms received no 8(a) contract benefit at all. Finally, H.R. 3867 also does not deal with the problem of large Alaska Native Corporations, ANCs, being able to participate in the 8(a) program and receive sole-sourced multi-million dollar contracts.

Because of these and other problems, the Bush Administration has issued a statement strongly opposing H.R. 3867, which I include for the RECORD. Thus, I respectfully urge my colleagues to oppose this legislation in order for these problems to be fixed.

STATEMENT OF ADMINISTRATION POLICY—H.R. 3867—SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

The Administration strongly opposes H.R. 3867, which would modify the small business procurement programs of the Small Business Administration. The Administration appreciates the intent of H.R. 3867 to improve these programs and reduce the potential for fraud and abuse. However, the Administration believes that a number of the bill's elements would be burdensome or undesirable. In addition, some provisions of the bill raise significant constitutional concerns. The Administration looks forward to working with Congress to remedy the issues identified below.

The bill also eliminates the upper asset limit on economic disadvantage for continued participation in the program, essentially allowing an individual regardless of their wealth or income to continue participating in the program for a full 10 years. The bill would raise the asset-test bar for eligibility of individuals for the 8(a) program from $250,000 to $550,000, excluding equity in their home or their business. As the 8(a) program is designed to reach economically disadvantaged small business owners who have diminished credit opportunities, the Administration believes opening the program to small business owners with higher net worth will divert 8(a) contracting opportunities well beyond the original intent of the program.

H.R. 3867 would place a number of burdensome requirements on the HUB Zone contracting program. The bill would prohibit rural and Native American HUB Zone firms from obtaining construction contracts more than 150 miles from their HUB Zone principal office. The bill would also require on-site evaluation of all HUB Zone firms prior to the award of their second program-related contract. This provision would create a large burden on the Small Business Administration, as these firms are widely distributed and often located in rural areas. The firms are already required to certify their status prior to award of a contract, and false certification is a felony with significant penalties. Also, the Small Business Administration currently has a protest mechanism in place to ensure the eligibility of firms for HUB Zone contracts.

The Administration is supportive of sections of H.R. 3867 that punish false representation of a firm as being owned by service-disabled veterans and provisions that attempt to assist such firms in the Federal contracting process. However, the Administration is concerned about provisions that would require that certain small business preference programs take priority over other small business preference programs.

H.R. 3867 would also increase dollar thresholds for setting-aside non-competitive contracts in several of these programs. Competition is a proven way of obtaining the best performance and value for the government. Accordingly, any non-competitive thresholds increase should be based on the actual rate of inflation as reflected in regulatory changes instituted by the SBA.

While the Administration supports opportunities for women-owned small businesses (WOSBs) to compete for Federal contracts, it opposes the bill's constitutionally suspect creation of gender-based set-asides. In order to withstand applicable equal protection standards, determinations of under-representation that form the basis of set-asides must be carefully controlled to assure that the pool of WOSBs deemed available for the contracting opportunities in question is limited to businesses that are eligible to perform those contracts. The bill's provisions for the identification of industries in which WOSBs are under represented does not appear to satisfy that standard. Additionally, authorizing individual agencies to make determinations of under representation that will result in contract set-asides based on sex will exacerbate such constitutional concerns, since it is unlikely that such determinations will be based upon the kind of thorough statistical analysis required by the courts to justify such set-asides under applicable case law.

Additionally, the bill's apparent expansion of the business categories that will be eligible for race- or ethnicity-based preferences in Federal contracting programs is subject to strict scrutiny under governing equal protection standards. Unless these provisions are supported by a sufficiently current legislative record demonstrating that they are narrowly tailored to further a compelling government interest, such provisions may be vulnerable to constitutional challenge.

Ms. HIRONO. Mr. Chairman, I rise in support of H.R. 3867, the Small Business Contracting Program Improvements Act.

This bill expands procurement opportunities for small businesses owned by service-disabled veterans, women entrepreneurs, and socially disadvantaged business owners. These firms remain under-represented in the Federal contracting marketplace and have yet to receive their fair share of Federal Government contracts.

H.R. 3867 assists small businesses owned by service-disabled veterans by requiring agencies to award sole-source contracts to these firms if they are identified as being capable of performing the contracts. These businesses currently receive less than one percent of Federal Government contracting dollars. Authorizing agencies to enter into sole-source contracts with service-disabled veteran-owned firms will raise the likelihood of these firms obtaining Federal contracts. Moreover, H.R. 3867 provides an inflationary adjustment to the limitation on contracts by increasing the size of available contracts awarded without competition to $5.1 million.

This bill directs the Small Business Administration, SBA, to comply with an Executive

Order requiring the SBA to provide service-disabled veteran-owned companies with information and assistance on Federal contracting as well as assist other agencies in their strategies to expand contracting opportunities for them.

Passage of this bill is also important for our women-owned businesses. In 2000, Congress enacted the Women's Procurement Program to expand opportunities for Federal contracts to women business owners within industries in which they have been significantly under-represented. On behalf of women-owned businesses, the U.S. Women's Chamber of Commerce sued the SBA over the delay in implementing the program and won their lawsuit in 2005. Seven years after the Women's Procurement Program was enacted into law, however, the SBA has yet to establish regulations that would implement this vital program. I share Chairwoman VELÁZQUEZ's frustration with this delay and her admonishment to the SBA to remedy the situation.

H.R. 3867 requires the SBA to implement the Women's Procurement Program immediately. The bill makes economically disadvantaged women entrepreneurs eligible for restricted competition contracts and gives the SBA the authority to waive this requirement in industries that are substantially under-represented by women-owned businesses. Today, women-owned small businesses capture only about 3 percent of Federal small-business contracting dollars. We need this legislation to encourage women entrepreneurs to participate in the Federal contract marketplace.

H.R. 3867 expands and modernizes the 8(a) Business Development Program, which has not been amended since 1988. The 8(a) program currently assists over 9,000 small businesses owned by socially and economically disadvantaged individuals, including about 200 firms in my State of Hawaii. H.R. 3867 makes two main improvements to this program: it provides for an inflationary increase in net worth limitations to a maximum of $550,000 for program participants and extends the duration of program participation from 9 to 10 years. Increasing the net worth ceiling will bring stronger firms into the 8(a) program.

Finally, I support this bill because it addresses contracting problems and increases oversight over unqualified businesses by setting standards that protect the integrity and consistency in application of contract assistance programs. H.R. 3867 mandates government-wide goals for procurement contracts awarded to small businesses. In addition, it requires the SBA to perform the necessary checks on program applicants and participants to confirm their business integrity and qualifications. This is important given recent findings by the SBA Inspector General of fraud and abuse in the Historically Underutilized Business Zone (HUBZone) program.

Chairwoman VELÁZQUEZ has noted that the Federal Government failed to meet its small and minority business goals for a 6th year in a row, costing entrepreneurs $4.5 billion in lost opportunities. H.R. 3867 is another step in the right direction to help our small businesses, and I thank Chairwoman VELÁZQUEZ for her commitment and strong leadership in sponsoring this important legislation.

I urge my colleagues to support this measure.

Ms. MOORE of Wisconsin. Mr. Chairman, I rise today in strong support of H.R. 3867, the Small Business Contracting Program Improvements Act.

I would specifically like to focus on Title V of the bill which would make changes to the 8(a) program. The 8(a) program is the last remaining federal initiative focusing on the development of minority-owned businesses through the award of federal contracts. Despite the fact that minorities make up one-third of the U.S. population, minority-owned businesses account for only 18 percent of all U.S. companies. This bill provides a strong step forward in increasing minority entrepreneurship.

It is of great concern to me that 8(a) hasn't been updated since 1988, nearly 20 years ago. This bill would finally modernize the 8(a) program to reflect the changing economy. I am pleased at the similarities between the bill before us and legislation that I introduced this spring, H.R. 2532, the Minority Owned Venture Empowerment Act or MOVE Act. Like my legislation, businesses would have the opportunity to participate in the program for 10 years. This 1-year program extension would provide businesses more time to successfully grow and graduate out of the program. Additionally, similar to my proposal, this bill would raise the net worth restriction of the small business owner so that successful minority businesses are not shut out of the program prematurely.

We must make more of an effort to encourage minority, women and veteran entrepreneurship. This bill would ensure that these businesses can compete fairly in the federal marketplace, grow their enterprises and create new jobs. I urge all members to support the legislation before us.

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 3867, the Small Business Contracting Program Improvements Act. Enjoying broad based and bi-partisan support, this bill will help modernize the contacting programs run by the U.S. Small Business Administration, SBA, raise the profile of veteran, minority and women entrepreneurs, and help combat fraud, waste and abuse in government contracting.

Of particular note, Section 402 of H.R. 3867 strengthens the Historically Underutilized Business Zone, HUBZone, program and promotes community economic development. That is, HUBZone registered small businesses cannot obtain a construction contract by means of a HUBZone set-aside unless the construction project is located in or near the HUBZone in which the small business concern maintains its principal place of business.

Guam, my district, will be home to a significant amount of federally funded construction and other work associated with the planned increase in the presence of U.S. Armed Forces on our military bases. The provisions of H.R. 3867 will help ensure small businesses on Guam can successfully compete for the contracts associated with the military build-up. I support H.R. 3867.

□ 1230

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

The CHAIRMAN. All time for general debate has expired.

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

The text of the bill is as follows:

H.R. 3867

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Contracting Program Improvements Act''.

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

Sec. 1. Short title; table of contents.
TITLE I—ENSURING GOVERNMENT CONTRACT OPPORTUNITIES FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS
Sec. 101. Expanding procurement opportunities.
Sec. 102. Penalties for misrepresentation.
Sec. 103. Implementation of Executive Order 13360.
TITLE II—PROTECTING TAXPAYERS AND ENSURING PROGRAM CONSISTENCY
Sec. 201. Requiring business integrity of small business concerns.
Sec. 202. Establishment of goals.
Sec. 203. Small business concern subcontracting policy.
Sec. 204. Increased size of available contracts.
TITLE III—EXPANDING OPPORTUNITIES FOR WOMEN ENTREPRENEURS
Sec. 301. Implement the women's procurement program.
TITLE IV—STRENGTHENING COMMUNITY DEVELOPMENT
Sec. 401. On-site verification.
Sec. 402. Limitation on construction contracts.
Sec. 403. Allowing small business concerns that are not HUBZone program participants to protest HUBZone awards.
TITLE V—MODERNIZING THE 8(a) PROGRAM
Sec. 501. Modernizing the section 8(a) program net worth limitations.
Sec. 502. Extension of the section 8(a) program term.
Sec. 503. Report on implementation.
Sec. 504. Allowing small business concerns that are not section 8(a) program participants to protest section 8(a) awards.
TITLE VI—OTHER MATTERS
Sec. 601. Affiliation for certain franchises.

TITLE I—ENSURING GOVERNMENT CONTRACT OPPORTUNITIES FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS

SEC. 101. EXPANDING PROCUREMENT OPPORTUNITIES.

(a) SERVICE-DISABLED VETERANS.—Section 36(a) of the Small Business Act (15 U.S.C. 657f(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(2) in paragraph (1), by striking ''and the contracting officer'' and all that follows through ''contracting opportunity''.

(b) HUBZONE.—Section 31(b)(2)(B) of such Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

SEC. 102. PENALTIES FOR MISREPRESENTATION.

Section 16(d)(1) of the Small Business Act (15 U.S.C. 645(d)(1)) is amended by inserting ''a 'small business concern owned and controlled by service-disabled veterans','' before ''or a 'small business concern owned and controlled by women' ''.

SEC. 103. IMPLEMENTATION OF EXECUTIVE ORDER 13360.

Section 36 of the Small Business Act (15 U.S.C. 657f) is amended by adding at the end the following new subsection:

''(f) IMPLEMENTATION OF EXECUTIVE ORDER 13360.—The Administrator shall—

''(1) provide small business concerns owned and controlled by service-disabled veterans with information and assistance concerning participation in Federal contracting;

''(2) advise and assist other agencies in their strategies to expand procurement opportunities for such concerns; and

''(3) make training assistance on Federal contract law, procedures, and practices available to such concerns.''.

TITLE II—PROTECTING TAXPAYERS AND ENSURING PROGRAM CONSISTENCY

SEC. 201. REQUIRING BUSINESS INTEGRITY OF SMALL BUSINESS CONCERNS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

''SEC. 38. REQUIRING BUSINESS INTEGRITY OF SMALL BUSINESS CONCERNS.

''(a) SECTION 8(a) PROGRAM BACKGROUND CHECK.—No applicant may be approved for participation in the section 8(a) program unless the Administrator first performs a background check on the applicant and determines that the applicant does not lack business integrity.

''(b) HUBZONE PROGRAM BACKGROUND CHECK.—No award of a second contract under the authority of section 31(b)(2)(A) or 31(b)(2)(B) may be made unless the Administrator first performs a background check on the applicant and determines that the applicant does not lack business integrity.

''(c) RANDOM BACKGROUND CHECK.—The Administrator shall have random background checks performed on owners and officers of small business concerns that have been awarded a contract under section 8(m), 36(a), or 36(b) to determine whether such owners and officers lacks business integrity.''.

SEC. 202. ESTABLISHMENT OF GOALS.

(a) ESTABLISHMENT OF GOVERNMENT-WIDE GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking the first sentence and inserting ''The President shall annually establish Government-wide goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns participating in the program established by section 8(a), and small business concerns owned and controlled by women.''.

(b) TECHNICAL CORRECTIONS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g) by adding at the end the following:

''(3) Each agency shall, in consultation with the Administrator, establish goals for the usage, as prime contractors, of small business concerns that participate in the program under section 8(a).''; and

(2) in subsection (h) by adding at the end the following:

''(4) Each prime contractor shall, in consultation with the Administrator, establish goals for the usage, as subcontractors, of small business concerns that participate in the program under section 8(a).''.

SEC. 203. SMALL BUSINESS CONCERN SUBCONTRACTING POLICY.

Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended by striking the first sentence and inserting ''It is the policy of the United States that small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, qualifying HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns participating in the program established by section 8(a), and small business concerns owned and controlled by women, shall have the maximum practicable opportunity to participate in the performance contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems.''.

SEC. 204. INCREASED SIZE OF AVAILABLE CONTRACTS.

(a) SECTION 8(a) PROGRAM.—Section 8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)) is amended—

(1) by striking ''$5,000,000'' and inserting ''$5,500,000''; and

(2) by striking ''$3,000,000'' and inserting ''$5,100,000''.

(b) HUBZONE PROGRAM.—Section 31(b)(2)(A)(ii) of such Act (15 U.S.C. 657a(b)(2)(A)(ii)) is amended—

(1) by striking ''$5,000,000'' and inserting ''$5,500,000''; and

(2) by striking ''$3,000,000'' and inserting ''$5,100,000''.

(c) SERVICE-DISABLED VETERAN PROGRAM.—Section 36(a)(2) of such Act (15 U.S.C. 657f(a)(2)) is amended—

(1) by striking ''$5,000,000'' and inserting ''$5,500,000''; and

(2) by striking ''$3,000,000'' and inserting ''$5,100,000''.

TITLE III—EXPANDING OPPORTUNITIES FOR WOMEN ENTREPRENEURS

SEC. 301. IMPLEMENT THE WOMEN'S PROCUREMENT PROGRAM.

Subsection (m) of section 8 of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) by striking paragraphs (1) through (4) and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'small business concern owned and controlled by women' has the meaning given such term in section 3(n), except that ownership shall be determined without regard to any community property law.

''(2) AUTHORITY TO RESTRICT COMPETITION.—

''(A) IN GENERAL.—In accordance with this subsection, a contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small business concerns owned and controlled by women, if—

''(i) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

''(ii) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract;

''(iii) the contract is for the procurement of goods or services with respect to an industry identified pursuant to paragraph (4);

''(iv) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price; and

''(v) each concern is certified in a manner described in subparagraph (B).

''(B) ACCEPTANCE OF CERTIFICATION.—For purposes of subparagraph (A)(v), a contracting officer is required to accept a small business concern's certification as a small business concern owned and controlled by women when such certification is made by—

''(i) a Federal agency or a State or local government;

''(ii) a national certifying entity approved by the Administrator; or

''(iii) the small business concern, when such concern certifies to the contracting officer that it is a small business concern owned and controlled by women and provides adequate documentation in accordance with standards established by the Administrator to support such certification.

''(3) WAIVER.—With respect to a small business concern owned and controlled by women, the Administrator may waive paragraph (2)(A)(i) if—

''(A) such concern is in an industry identified pursuant to paragraph (4); and

''(B) the Administrator determines that such concern is in an industry in which small business concerns owned and controlled by women are substantially underrepresented in Federal contracting.

''(4) IDENTIFICATION OF INDUSTRIES.—

''(A) IN GENERAL.—Not less often than every five years, the Administrator shall conduct a study to identify, for purposes of paragraphs (2)(A)(iii) and (3)(A), industries in which small business concerns owned and controlled by women are under-represented in Federal contracting. The parameters for the study shall be as follows:

''(i) For purposes of this paragraph, the Administrator shall identify an industry if, and only if, the share of Federal contracts awarded to small business concerns owned and controlled by women in such industry is small relative to the prevalence of business concerns owned and controlled by women in the pool of business concerns in such industry that have at least one employee.

''(ii) The study shall measure utilization and availability by—

''(I) using the two best available data sources;

''(II) including only business concerns that have at least one employee; and

''(III) measuring only Federal contracts awarded for amounts over $25,000.

''(iii) The study shall include four sets of disparity measurement tables to compute disparity ratios. The four sets are—

''(I) all business concerns in the United States relative to the number of Federal contracts awarded to small business concerns owned and controlled by women;

''(II) small business concerns owned and controlled by women that have demonstrated an interest in or that have secured Federal contracts relative to the number of Federal contracts awarded to small business concerns owned and controlled by women;

''(III) all business concerns in the United States relative to the dollar amounts of Federal contracts awarded to small business concerns owned and controlled by women; and

''(IV) small business concerns owned and controlled by women that have demonstrated an interest in or that have secured government contracts relative to the dollar amounts of Federal contracts awarded.

''(B) DETERMINATION BY HEAD OF DEPARTMENT OR AGENCY.—Until such time as the Administrator completes the identification of industries required by subparagraph (A), the determination as to whether an industry is one in which small business concerns owned and controlled by women are under-represented in Federal contracting shall be made by the head of the department or agency for which the contract is to be performed.

''(C) DEADLINE.—Not later than 90 days after the date of the enactment of this subparagraph, the Administrator shall—

''(i) ensure the completion of the first study required by subparagraph (A);

''(ii) approve national certifying entities for the purposes of paragraph (2)(B)(ii);

''(iii) establish procedures required by paragraph (5)(A); and

''(iv) establish standards described in paragraph (2)(B)(iii).'';

(2) in paragraph (5), by striking ''(2)(F)'' in each place it appears and inserting ''(2)(B)''; and

(3) in paragraph (5), by adding at the end the following new subparagraph:

''(D) PROTESTS BY SMALL BUSINESS CONCERNS.—For purposes of this paragraph, the term 'interested party' shall include any small business concern.''.

TITLE IV—STRENGTHENING COMMUNITY DEVELOPMENT

SEC. 401. ON-SITE VERIFICATION.

Section 31(b) of the Small Business Act (15 U.S.C. 657a(b)) is amended by adding at the end the following:

''(5) ON-SITE VERIFICATION OF STATUS.—

''(A) VERIFICATION.—When a small business concern that has previously been awarded a contract under paragraph (2)(A) or (2)(B) is to be awarded a second contract under paragraph (2)(A) or (2)(B), the Administrator shall perform an on-site inspection to determine whether such small business concern is a qualified HUBZone small business concern. This paragraph does not require such an inspection before the award of a third or subsequent contract. This paragraph does not prevent a second contract from being awarded before such inspection is completed.

''(B) NOTIFICATION BY SMALL BUSINESS CONCERN.—The Administrator shall require a small business concern to notify the Administrator, prior to being awarded a second contract under paragraph (2)(A) or (2)(B), of such business concern's attempt to be awarded a second contract under paragraph (2)(A) or (2)(B). Not later than 90 days after the date of the enactment of this subparagraph, the Administrator shall establish procedures to implement this subparagraph.''.

SEC. 402. LIMITATION ON CONSTRUCTION CONTRACTS.

Section 31(b) of the Small Business Act (15 U.S.C. 657a(b)) is amended by adding at the end the following:

''(6) LIMIT HUBZONE PROGRAM CONSTRUCTION CONTRACTS IN OR NEAR A HUBZONE.—A small business concern may not obtain a construction contract by reason of the HUBZone program unless the construction project is located in or near the HUBZone in which the small business concern has its principal place of business. The Administrator shall prescribe standards for determining when a project is located 'near' a HUBZone for purposes of this paragraph, except that under no circumstances can a project located more than 150 miles from a HUBZone be located 'near' that HUBZone.''.

SEC. 403. ALLOWING SMALL BUSINESS CONCERNS THAT ARE NOT HUBZONE PROGRAM PARTICIPANTS TO PROTEST HUBZONE AWARDS.

Section 31(c) of the Small Business Act (15 U.S.C. 657a(c)) is amended by adding at the end the following new paragraph:

''(5) PROTESTS BY SMALL BUSINESS CONCERNS.—For purposes of this subsection, the term 'interested party' shall include any small business concern.''.

TITLE V—MODERNIZING THE 8(a) PROGRAM

SEC. 501. MODERNIZING THE SECTION 8(a) PROGRAM NET WORTH LIMITATIONS.

(a) MODIFICATIONS TO 8(a) PROGRAM.—Notwithstanding any provision of the Small Business Act (15 U.S.C. 631 et seq.), the Administrator shall administer the program under section 8(a) of such Act with the following modifications:

(1) DETERMINATION FOR TERM OF PROGRAM.—For the purpose of this section, an individual who has been determined by the Administrator to be economically disadvantaged at the time of program entry shall be deemed to be economically disadvantaged for the term of the program.

(2) MATTERS EXCLUDED.—In determining personal net worth, the Administrator shall exclude from such determination the following:

(A) The value of any investment of an economically disadvantaged owner in the small business concern, except that such value shall be taken into account under this paragraph when comparing such concerns to other concerns in the same business area that are owned by other than socially disadvantaged individuals.

(B) The equity of an economically disadvantaged owner in a primary personal residence.

(3) MAXIMUM NET WORTH.—When considering an individual's net worth for the purpose of determining the degree of diminished credit and capital opportunities of such individual, the Administrator shall consider an individual net worth of $550,000 or less as tending to show diminished credit and capital opportunities.

(b) EFFECTIVE DATE FOR MODIFICATIONS TO THE 8(a) PROGRAM.—This section shall apply with respect to small business concerns that apply to the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) after the date of the enactment of this Act.

SEC. 502. EXTENSION OF THE SECTION 8(a) PROGRAM TERM.

(a) PROGRAM TERM.—The program term for the program under section 8(a) of the Small Business Act shall be 10 years. The first 6 years shall be the developmental phase, and the last 4 years shall be the transitional phase.

(b) EFFECTIVE DATE FOR MODIFICATIONS TO THE 8(a) PROGRAM.—

(1) IN GENERAL.—This section shall apply with respect to small business concerns that apply to the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) after the date of the enactment of this Act.

(2) TRANSITIONAL RULE.—A small business concern participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)) may participate for not more than 10 years.

SEC. 503. REPORT ON IMPLEMENTATION.

Section 155 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 657g) is amended by adding at the end the following: ''Annually, concurrent with the submission of the Small Business Administration's budget request to the Congress, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report detailing progress the Administrator has made towards the implementation of this section.''.

SEC. 504. ALLOWING SMALL BUSINESS CONCERNS THAT ARE NOT SECTION 8(a) PROGRAM PARTICIPANTS TO PROTEST SECTION 8(a) AWARDS.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following new paragraph:

''(22) Rules similar to the rules of paragraphs (5) and (6) of subsection (m) shall apply for purposes of this subsection.''.

TITLE VI—OTHER MATTERS

SEC. 601. AFFILIATION FOR CERTAIN FRANCHISES.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE RELATING TO FRANCHISES IN THE TEMPORARY EMPLOYEE SERVICES INDUSTRY.—In determining whether a franchisee is affiliated with a franchisor in the temporary employee services industry, the Administrator shall—

''(A) disregard—

''(i) whether the franchisor finances the payroll of the temporary staffing personnel (including billing, collecting, and remitting client fees); and

''(ii) whether the temporary staffing personnel are treated as employees or independent contractors of the franchisor for tax or other purposes; and

''(B) consider the processing of payroll and billing by a franchisor as customary and common practice in the temporary employee services industry that does not provide probative weight.''.

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 110–407. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–407.

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. VELÁZQUEZ:

At the end of title I, add the following:

SEC. 104. PRIORITY FOR SEVERELY DISABLED VETERANS.

In developing regulations to implement section 101, the Administrator shall give a priority to those certified service-disabled veterans that are severely disabled.

Amend section 201 to read as follows:

SEC. 201. REQUIRING BUSINESS INTEGRITY OF SMALL BUSINESS CONCERNS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following new subsection:

''(o) REQUIREMENT OF BUSINESS INTEGRITY.—No small business concern may receive any benefit under section 8(a), 8(m), 31(b)(2)(A), 31(b)(2)(B), 36(a), or 36(b) unless the Administrator first performs a background check on the owners and officers of such small business concern and determines that the owners and officers do not lack business integrity. For purposes of such a determination, previous criminal convictions will create a presumption of a lack of business integrity.''.

At the end of title II, add the following (and amend the table of contents accordingly):

SEC. 205. EXPANDING PROTEST AUTHORIZATION.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following new paragraphs:

''(22) Rules similar to the rules of paragraphs (5) and (6) of subsection (m) shall apply for purposes of this subsection.

''(23) For the purposes of challenging the eligibility of a small business concern to receive an award under section 8(a), 8(m), 31(b)(2)(A), 31(b)(2)(B), 36(a), or 36(b), the term 'interested party' shall include any small business concern.''.

In section 8(m)(4) of the Small Business Act as proposed to be added by section 301, strike subparagraph (B) and insert the following:

''(B) UNDERREPRESENTED INDUSTRIES.—Until such time as the Administrator completes the identification of industries required by subparagraph (A), the following industries, as identified by their 2-Digit North American Industry Classification System Code, are deemed underrepresented by

women in Federal contracting: 11 (Forestry), 21 (Mining), 22 (Utilities), 23 (Construction), 31 (Manufacturing), 32 (Manufacturing), 33 (Manufacturing), 42 (Wholesale Trade), 44 (Retail Trade), 45 (Retail Trade), 48 (Transportation), 49 (Transportation), 51 (Information), 52 (Finance and Insurance), 53 (Real Estate and Rental and Leasing), 54 (Professional, Scientific, and Technical Services), 56 (Administrative and Support, Waste Management, and Remediation Services), 61 (Education Services), 62 (Health Care and Social Assistance), 71 (Arts, Entertainment, and Recreation), 72 (Accommodation and Food Services), and 81 (Other Services).''.

Strike sections 403 and 504.

The CHAIRMAN. Pursuant to House Resolution 773, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, this amendment makes changes to the underlying bill to address outstanding issues in the bill. It ensures those veterans that are most severely disabled will have access to contracts. It also strengthens the business integrity standard and creates parameters to carry out the women's procurement program.

Probably the most critical change in this amendment is the priority created for severely disabled veterans. The underlying bill already ensures that service-disabled veterans have greater access to contracts, but this takes it a step further.

It provides that agencies who are carrying out the service-disabled veteran contracting program give special consideration to those returning entrepreneurs that have the most serious of injuries. It is simply the right thing to do for all these soldiers have given for their country.

This amendment also provides taxpayers with greater protection by making certain the SBA performs criminal background checks prior to entering a program. It provides that those with criminal convictions are presumed to lack the business integrity required for participation.

Finally, we worked with the minority to create a more workable standard for allowing the SBA to carry out the women's procurement program. This amendment specifies the industries that the Rand Corporation determined, in accordance with direction from the National Academies of Sciences, were underrepresented by women businesses.

These measures will strengthen the bill to ensure a variety of deserving small businesses have better access to Federal contracts.

I urge adoption of the amendment.

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

Mr. CHABOT. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the gentlelady's amendment, even though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. Mr. Chairman, her amendment makes some needed technical changes to the bill. Nevertheless, as I pointed out in my statement previously, we believe that this proposed solution to the failure of the SBA to implement the women's procurement is, in our view, overinclusive and should be further revised as the legislative process moves forward, but we do not oppose the amendment.

Mr. Chairman, I yield back my time.

Ms. VELÁZQUEZ. Mr. Chairman, I just want to thank the gentleman from Ohio for working with me on this amendment. I urge adoption of the amendment, and I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. AKIN

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–407.

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. AKIN:

At the end of title V, add the following new section (and amend the table of contents accordingly):

SEC. 505. ASSISTANCE STUDY.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine what changes would be required to provide greater Federal contracting assistance to participants in the program created by section 8(a) of the Small Business Act that have less equity in their business concerns than other participants in the program.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report detailing the results of the study described in subsection (a).

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

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

Mr. Chairman, I rise today to offer this amendment to the Small Business Contracting Program Improvements Act. As many involved in the Federal contracting world know, the 8(a) program currently serves small businesses owned by citizens who are socially and economically disadvantaged.

Since the 1960s, the 8(a) program has remained the primary vehicle through which minority-owned businesses enter the Federal marketplace. There is no doubt that since its inception the 8(a) has helped many minority-owned businesses grow their firms, enabling them to become real players in the Federal contracting world. In fact, over the course of the program, nearly 20,000 companies have received almost $100 billion in Federal contracts.

During committee markup of this bill, I expressed my reservations to Chairwoman VELÁZQUEZ regarding certain provisions in the bill that exclude the equity in a business. I'm concerned that this provision undermines the argument concerning the competitive capacity of the business owners. I will explain.

Many owners reinvest their earnings into their businesses, thus increasing the value of the business. If the 8(a) program is a business development program targeted toward socially and economically disadvantaged firms, why should the business owner with a valuable asset be permitted in the program and benefit from its existence? I would argue that the scarce resources available to assist these business owners be devoted to those business owners that are truly economically disadvantaged.

My amendment is a straightforward amendment that I hope will address some of these concerns. Essentially, the amendment would ask the administrator of the Small Business Administration to conduct a study to determine what changes would be required to provide greater Federal contracting assistance to participants in the 8(a) program that have less equity in their business concerns than other participants in the program.

I appreciate Chairwoman VELÁZQUEZ's willingness to work with me on this important issue, and I believe that adoption of my amendment is one step towards ensuring that minority-owned small businesses who truly need assistance can continue to benefit from the opportunities provided to them by the 8(a) program.

I would urge my colleagues to assist and support this amendment.

In closing, my point on this is the following: As a business is small and most in need of the 8(a) program, we want to make sure that they can get as many of these programs as possible, and that will build their business up. As the business then prospers and grows through the years, they will continue to get these different 8(a) kinds of contracts, which give them essentially a 10 percent advantage.

But as the business becomes bigger and stronger, what I'm interested in doing is creating a sliding scale so that those valuable contracts will be guaranteed to go to the most needy businesses, and as a business gets stronger and stronger, the number or the percentage of those contracts will tend to diminish as they become stronger and more able to survive on their own.

I think that's a concept that has been understood and to some degree approved within the committee. The question is how do we mechanically work that out, and the purpose of this amendment is to give ourselves a little time to actually figure out mathematically how do you make sure that those contracts go to the most needy, and as

people become less needy, that they have less and less dependence on.

I very much appreciate the chairwoman's willingness to work with us on this, and hopefully we can figure out mechanically some way to do that that everybody could agree to.

Mr. Chairman, I yield back my time.

Ms. VELAZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELAZQUEZ. Mr. Chairman, I would like to thank my colleague from Missouri, a member of the Small Business Committee, for offering this amendment. I share the gentleman's concern about the concentration of contracts in the 8(a) program.

In fact, these businesses are only in the program for 9 years, so it is important that they make that time count. Unfortunately, according to partial year data for 2006, the top 10 companies received 40 percent of the work; 93 percent of companies received no contracts.

The gentleman's amendment requires the SBA to conduct a study to determine how best to provide additional contracting help to these less successful 8(a) participants. I appreciate his interest in the 8(a) program and his willingness to work with us to find a solution to a long-standing program.

I agree with my colleague that, while a more successful firm is apt to receive more work than a less experienced company, the purpose of the program is business development. Given this, the SBA needs to provide increased contractual assistance to the companies that need it the most.

The gentleman's amendment would allow us additional time to work together to craft a solution to ensure that 8(a) businesses, regardless of their financial strength, will be able to earn contracts. I look forward to working with the gentleman to perfect this language, and I appreciate his cooperation.

We are prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding. We agree with the comments both in the gentleman's points he made in his presentation as well as the gentlelady's, and we support the amendment as well.

Ms. VELAZQUEZ. Mr. Chairman, I urge support of this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–407.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WELCH of Vermont:

Title IV, add at the end the following (and amend the table of contents accordingly):

SEC. ___. STUDY ON EFFECTIVENESS OF HUBZONE PROGRAM IN REACHING RURAL AREAS.

The Administrator of the Small Business Administration shall carry out a study on the effectiveness of the HUBZone program in reaching rural areas to determine whether there are needy areas that do not qualify under the program and whether there are areas that currently qualify under the program that are inconsistent with the program's original intent. Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report containing the results of the study and any recommendations that the Administrator considers appropriate for alternative ways to evaluate eligibility for HUBZones in rural areas.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

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

First, let me thank Chairwoman VELÁZQUEZ and her staff and Mr. CHABOT and the work that he has done, not just helping me on this amendment but the extraordinary productivity of the Small Business Committee. It has been an oasis of bipartisan cooperation and accomplishment in this legislative session.

I'd also like to thank the cosponsor of this amendment, my colleague from Iowa, Congressman BRUCE BRALEY, a member of the Small Business Committee.

We've heard about the HUBZone program, that it provides assistance to small businesses located in historically underutilized business zones, or HUBZones, through limited competition contracts, sole source awards, or price evaluation preferences in full and open competitions. The Federal Governmentwide contracting goal for HUBZone small businesses is, as you know, Mr. Chairman, 3 percent. It's a very effective program.

Across the country, more than 11,000 firms operate and employ people in distressed areas; 56 of these are located in Vermont. Eligible areas cover more than 7,000 urban census tracts, 900 rural and suburban areas.

Historically, the HUBZone program has encountered some difficulties in rural areas, specifically in the way the program is defined. The current definition limits what SBA can do in looking at large areas versus small, and it makes it tough on rural States, like Vermont and many other rural parts of the Nation.

In Vermont, for example, the entire Northeast Kingdom is a HUBZone, as well as all of Lamoille County. Other than that, only part of Burlington, Rutland and St. Albans are in the program, and this has left out some obviously what would appear to be eligible communities in towns like Springfield, Brattleboro, Bennington, Barre, Bellows Falls, and other parts of Rutland City.

Small businesses critical in Vermont, just like everywhere else, create two out of every three new jobs, produce 39 percent of the gross national product, and is responsible for more than half of the Nation's technological innovation.

My amendment with Mr. BRALEY is very simple. It would direct the SBA to conduct a study on how the HUBZone program is working to reach rural areas. The study should examine how HUBZone is defined, whether that definition works in rural areas as well as it does in urban and suburban areas. It makes specific recommendations of possible alternatives to better capture eligible or needy communities that so often exist in rural areas. Not only does it call on the administration to review whether needy communities are being left out, it also assesses whether areas within the program comply with the program's original intent.

Mr. BRALEY and I urge our colleagues to support this amendment.

□ 1245

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

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, it is becoming increasingly concerning that companies may be receiving HUBZone contracting preferences inappropriately.

Since 2003, the SBA Inspector General has released two reports identifying the potential for contracting fraud in this program. Most recently, in 2006, the IG has found that more than 80 percent of companies are not eligible 3 years after they were approved. In nearly 20 States, we have identified multimillion dollar properties in areas designated as HUBZone. If a company located in one of these zones employed people who lived in similar conditions, they would be eligible for contracting preferences over small businesses.

The gentleman's amendment addresses the issue that some areas of the country are designated HUBZone. That should not be. At the same time, this will also require the SBA to examine why some deserving areas are not being designated appropriately. To resolve this inconsistency, the amendment requires the SBA to carry out a study that includes recommendations for alternative ways to evaluate HUBZone eligibility.

There is no rational reason why some of the most affluent areas in the country are eligible for government contracting preferences, while truly deserving areas are overlooked.

We are prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding.

Mr. Chairman, we have no opposition to this amendment. We would thank Mr. WELCH of Vermont for his hard work on this and his leadership on the committee.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MICA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–407.

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MICA:

Add at the end of title VI the following (and amend the table of contents accordingly):

SEC. _____. CLARIFICATION OF APPLICABILITY OF SMALL BUSINESS SET-ASIDES.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) CLARIFICATION OF APPLICABILITY.—For purposes of any small business set-asides authorized under this section, the term 'contract' shall not exclude any acquisition or order under any Federal Supply Schedule or Multiple Award Schedule.''.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman and my colleagues, I have this amendment No. 4 which would clarify the small business set-aside provisions of the Small Business Act and require that it, in fact, apply to Federal contracts not excluding Federal supply schedule and multiple award scheduled holders.

Now, this is a mandatory provision, and I have accepted some of the objections from my side of the aisle in not moving forward with this particular provision. I do have the next amendment in line, which does deal with a similar issue, and I would like to ask unanimous consent to withdraw the amendment at this time.

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

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the right to object.

I am surprised that the gentleman is withdrawing his amendment since I was prepared to accept the amendment. I think this is a problem that needs to be addressed. I am willing to work with the gentleman to address this issue.

Mr. MICA. If I may, if the gentlelady would yield, I look forward to working with you. I am delighted that your side of the aisle was willing to accept this amendment. I would like to work and move forward with you in a bipartisan effort.

But in order to get one of the two amendments to work with my side of the aisle in fairness and not pass a mandatory provision, I am prepared to withdraw the amendment and work with the gentlelady and the committee and thank everyone for their consideration.

Ms. VELÁZQUEZ. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MR. MICA

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–407.

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MICA:

At the end of title VI, add the following (and amend the table of contents accordingly):

SEC. _____. SENSE OF THE HOUSE OF REPRESENTATIVES ON ACQUISITIONS CONDUCTED UNDER THE GENERAL SERVICES ADMINISTRATION'S FEDERAL SUPPLY SCHEDULE.

(a) FINDINGS.—Congress finds the following:

(1) The Small Business Act was adopted by Congress to ensure that small business concerns receive fair access to, and a fair share of, Federal government contracts and subcontracts.

(2) There is a disagreement between the General Services Administration and the Small Business Administration on whether the Small Business Act applies to the acquisitions under the General Services Administration's Federal Supply Schedule, which account for over $30,000,000,000 in procurement dollars awarded each year.

(3) As demonstrated in proceedings of the White House Acquisition Advisory Panel, small businesses hold 79.6 percent of contracts under the Federal Supply Schedule, but receive only 37.1 percent of dollars awarded under the Federal Supply Schedule, and this disparity has a significant impact on the competitive viability of small business concerns in government contracting.

(b) SENSE OF THE HOUSE.—Therefore, it is the sense of the House of Representatives that small business set-asides should not be excluded from any acquisitions under the General Services Administration's Federal Supply Schedule.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman and Members of the House, Mr. CHABOT and the Chair of the Small Business Committee, I am pleased to present another amendment, as I indicated in withdrawing the first amendment, that is not mandatory in nature, but does bring to light and address some of the problems that we have had with an interpretation of acquisitions under the GSA Federal supply schedule, some different interpretation.

This amendment would state that it is, in fact, a sense of the House of Representatives that small business set-asides should not be excluded from any acquisitions under the General Services Administration Federal supply schedule.

Let me explain, if I may, for just a moment here. The Small Business Act was adopted by Congress to, in fact, ensure that small businesses would receive fair access and a fair share of Federal Government contracts and subcontracts. In fact, section 15 of the act requires that all contracts below $100,000 be reserved for small businesses.

But, unfortunately, there are some questions that have been raised. The Small Business Act also requires set-aside opportunities for service-disabled veterans, for businesses in distress, and companies owned by women and disadvantaged persons. However, again, here is where some of the problem lies. There is a disagreement between GSA, the General Services Administration, and SBA on whether the small business set-aside applies to acquisitions under the Federal GSA Federal supply schedule.

Because of this GSA–SBA disagreement on provisions of the Small Business Act, some small businesses, in fact, are being excluded from GSA contracting opportunities; and that's not our intent.

What's taken place on September 4, 2007, just a short time ago, SBA issued an opinion that Small Business Act set-aside requirements do apply to the GSA schedule. My amendment today would only state that it is a sense of the House of Representatives that the small business set-aside should not be excluded from any acquisition under GSA's Federal supply schedule.

We tried to send a polite message. Part of my reason for being here is one of the small business persons in my district, Raul Espinosa, he is a St. Augustine small business owner, his company is a small business, again, in the heart of my district. He has a company called Fit Net Purchasing Alliance and Fit Net, is, in fact, a disadvantaged minority and emerging small business. They operate as a buying group specializing but not limited to athletic, wellness and rehab market segments.

This small business operator brought this to my attention, and it is a great example of how this system should work. When the agencies don't work, when you have lack of understanding and definition and law, or in procedures, it's small businesses and someone like Raul Espinosa who has brought to my attention, as his elected representative, some of the problems that have arisen.

This is a clarification amendment. We may want to go beyond this, as the chairlady has indicated her willingness to do, and possibly from my side of the aisle I think we can work together and make this work the way it's intended.

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

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. The gentleman's amendment reflects a sense of the House that laws requiring competition among only small businesses should apply to the General Services Administration's Federal supply schedules.

The GSA consistently points to nearly 80 percent of contracts under schedules going to small businesses. The reality is that as far as dollars, small firms get less than 40 percent. With the exception of the GSA schedules, every agency must ensure that small businesses are the priority for contracts valued at more than $2,500 and less than $100,000. Even when the GSA enters into a contract itself, not using the schedules, the SBA statute applies.

Recently, the GSA's general counsel has pointed to a conflict between the statute that authorizes the Federal supply schedules and the SBA statute. Because Congress has not spoken to the contradiction, GSA relies on its own interpretation.

GSA schedules represent billions of dollars in contracting opportunities that simply aren't available to small firms because of the GSA's incorrect interpretation of the statute. The gentleman's amendment will provide a direction that is missing between these conflicting statutes, an issue to be supported. Not only will small businesses see increased dollars as a result; taxpayers will receive lower costs due to the flexibility and efficiency that small firms are able to offer.

Mr. Chairman, I am prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding.

Mr. Chairman, we have no opposition to this amendment. We would thank the gentleman for his hard work in offering the amendment.

Ms. VELÁZQUEZ. I urge support for this amendment and I yield back the balance of my time.

Mr. MICA. How much time do I have remaining, might I inquire.

The CHAIRMAN. The gentleman from Florida has 1 minute remaining.

Mr. MICA. Mr. Chairman, I won't take all of that minute, but I do again want to thank again the gentlelady, the Chair of the SBA Committee, and Mr. CHABOT, the ranking member.

This is a great example of how government should work, having a constituent, a small business person in my district, bring unfairness, the lack of definition about procedures here with the SBA and GSA, two government agencies, and try to get a resolution.

I am delighted to be here. I am trying to think back in 15 years if I have ever brought an amendment up and have everybody agree on it like this. I don't think so, but it's a special occasion.

Mr. CHABOT. Will the gentleman yield?

Mr. MICA. I yield to the gentleman from Ohio.

Mr. CHABOT. I was just going to say, that is the way this committee works, right, Madam Chair?

Ms. VELÁZQUEZ. Yes.

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

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

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–407.

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MORAN of Virginia:

Title VI, add at the end the following (and amend the table of contents accordingly):

SEC. ___. STUDY ON FRIVOLOUS PROTESTS.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine, with respect to small business contracts, whether incumbent Federal contractors submit frivolous protests to extend the length of current contracts before protest decisions are resolved.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the number of Government Accountability Office bid protests and Small Business Administration size protests filed by incumbent Federal contractors with respect to small business contracts, the number of incumbent contracts extended because of the protest, the extra costs of extending incumbent contracts during the protest, and the final rulings of these protests;

(2) determine the financial impact of protests filed by incumbent Federal contractors on small businesses that were originally awarded the protested small business contracts, including costs associated with defending the protests and costs incurred by Federal agencies;

(3) identify the incumbent Federal contractors that file the most unsuccessful protests on small business contracts; and

(4) develop recommendations—

(A) to ease any financial burden on small businesses during the protest of small business contracts; and

(B) to discourage frivolous protests by incumbent Federal contractors on small business contracts.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the Government Accountability Office, any necessary Federal agencies, and the Office of Federal Procurement Policy.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(4).

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first want to thank the chairwoman of the Small Business Committee for her leadership in bringing this bill to the floor today. I appreciate the membership on both sides of the committee for finding an agreement on so many issues that are important to small businesses.

They know that small businesses must overcome long odds and difficult obstacles in navigating the waters of Federal contracting. Size thresholds, growth requirements, endless paperwork and late contracts payments are all part of the challenges that competing small businesses regularly face.

Yet there is another challenge that has been brought to my attention. Some small businesses, after being awarded a competitively bid contract, must face frivolous protests by the incumbent contractors just for the purposes of delaying the award of a contract. For an incumbent contractor, there is an economic incentive to protest an award, even if there is no substance to the challenge. The award to the small business is thus delayed, and the current contract is retained until the protest is concluded. It can take months or even years before the dispute is resolved by the government.

In the meantime, the incumbent contractor can reap millions more for the extended contract that they had been granted previously but lost out on. These protests have serious consequences for many small businesses. During protests, the small businesses must cover their legal costs. Moreover, they must cover payroll and administrative costs for the workforce that they hired for the awarding contract. That's before they ever get paid by the Federal Government. These costs can cripple some small businesses that run on tight budgets without built-in overhead for the costly protests.

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In other words, it's an uneven playing field.

This amendment will require the Small Business Administration to study the degree to which incumbent contractors are submitting frivolous protests to extend the length of current contracts. It's a problem I know exists because many of my constituent companies have, in fact, experienced it firsthand.

The Small Business Administration's study will determine the number and the merit of GAO and SBA protests that are filed by incumbent contractors and analyze the number of extended contracts. It'll analyze the

extra costs of extending contracts, including the costs to small businesses that won the initial award of those contracts, and the costs incurred by Federal agencies as a result.

Finally, it will develop recommendations to ease the financial burden on small businesses during protests and offer recommendations to discourage frivolous protests made to squeeze small businesses.

It's clear that not all incumbent contractors submit frivolous bids. But it's also equally clear that there are some built-in incentives for incumbents to submit protests that they know have little merit but, nevertheless, will enable them to profit by the delay.

Mr. Chairman, I ask for support of this amendment so that small businesses can cope with frivolous incumbents' protests, and I look forward to working with the Small Business Committee on this ongoing issue of fairness.

I will retain whatever time is left.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to thank the gentleman for offering this amendment.

Certainly, frivolous litigation is a problem in any scenario. Our justice system is a valuable tool for the good-faith settling of claims, but it is costly and time consuming, and should never be used for purposes other than what was originally intended. If incumbent contractors are, in fact, using the bid process size protest mechanisms to extend the length of contracts, this problem needs to be addressed.

Small businesses face enough barriers in their efforts to enter the Federal marketplace. Having to fight frivolous lawsuits should not be one of them. If businesses, particularly mega-contractors, are using their position to prevent qualified contractors from doing Federal work by exploiting a loophole, the American taxpayer loses out.

The gentleman's amendment addresses this issue by requiring a study to determine the number of relevant protests, the financial impact on small businesses, and recommendations for solving any problems discovered.

The protest process was designed to create due process, not to create unfair advantages. This study will help to determine if there is a problem that needs to be further addressed.

I appreciate the gentleman bringing attention to this small business barrier, and although frivolous lawsuits can be devastating for anyone in the business community, it can be a particular burden for smaller companies. Adding litigation costs to an already limited cash flow is unrealistic for many small businesses, and I will be interested to see if this is what they're being forced to do.

It would allow our committee to fully understand if further changes are needed.

We are prepared to accept this amendment, Mr. Chairman, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. Thank you, Madam Chairwoman.

We do not oppose this amendment. We would thank the gentleman and his staff for their hard work and the research in considering this and offering the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment, and I yield back.

Mr. MORAN of Virginia. I am prepared to yield back the balance of my time. I do want to thank Heath Bumgardner of my staff for doing the work on this. And I've enjoyed working with the Small Business Committee and their staff on both sides of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. BAIRD

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–407.

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. BAIRD:

At the end of title V, insert the following new section (and amend the table of contents accordingly):

SEC. 505. EXAMINATION OF LIST OF GROUPS THE MEMBERS OF WHICH ARE PRESUMED TO BE SOCIALLY DISADVANTAGED FOR PURPOSES OF SMALL DISADVANTAGED BUSINESS PROGRAM.

The Administrator of the Small Business Administration shall examine the list of groups the members of which are presumed to be socially disadvantaged for purposes of the Small Disadvantaged Business program under section 8(a) of the Small Business Act and shall consider whether the list should be updated to include additional groups. Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the examination.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. BAIRD. I thank the chairwoman for the time and applaud her for her leadership of the Small Business Committee. I also want to thank the ranking member for his leadership as well.

I rise today with an amendment to improve and update the Small Business Administration's Small Disadvantaged Business Program.

My amendment would direct the administrator of the Small Business Administration to examine the list of groups under the Disadvantaged Business Program and consider whether it should be updated to include additional groups. This amendment does not mandate that any group be added and would not affect those well-deserving groups already included.

Let me explain why I believe this issue deserves our attention. The issue was brought to my attention by an Afghani American entrepreneur in my own district who is not eligible to receive SBA assistance under the Small Business Development Program. After researching the matter, I learned that the SBA does not include Afghani or Iraqi Americans in the Small Disadvantaged Business Program.

I found this troubling, frankly. As we seek to spread democracy to other nations around the world, we ought to consider how we are helping or not helping individuals from those countries who have come to the United States. For example, at a time when we are promoting the American Dream in Afghanistan, I believe we should be doing more to promote this dream to those of Afghani descent who have come to the United States to seek a better way of life. The same applies to the refugees who've helped our Nation in its Iraq mission but have been forced to flee their own lands for having given us that very assistance.

I hope we would all agree that as we work to spread democracy and freedom to other nations, we should consider how we're treating individuals from those countries who have come to the United States. Should my amendment be accepted, I hope that the administrator will pay special attention to those countries to which our Armed Forces have been deployed since September 11.

Some may be surprised to learn that the SBA has not updated their list of groups since 1989. I believe it's a good time now to revisit this list and to ensure that this program is not excluding any group who deserve assistance.

I would ask my colleagues to join me in supporting this commonsense amendment. I would ask for your support.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the gentleman's amendment requires the SBA to review who should be considered socially disadvantaged for entry into the 8(a) program and whether there should be any updates.

Prior to today, the last Congressional action on the 8(a) program took place in 1988. For nearly 20 years, the 8(a) program has not seen one significant change. One aspect of the program, social disadvantage, has also remained unchanged.

My colleague's amendment recognizes that our country in 2007 does not look like it did in 1988. The face of America is changing. The 8(a) program must reflect the new look of the Nation.

This amendment addresses the concern that in several years the SBA has not reviewed or expanded who is considered socially disadvantaged. Given this, deserving business owners are likely being shut out.

We also know, as members of the committee, that without definite direction the SBA is unlikely to act, let alone in a timely fashion. The gentleman's amendment will ensure that the SBA examines the issue and makes changes, as appropriate, within 6 months.

We are prepared, Mr. Chairman, to accept this amendment, and I will yield to Mr. CHABOT for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding, and I thank the gentleman for offering his amendment. He has been willing to, I think, stand up and make courageous stands on occasion. I think he is to be commended for that.

Relative to this particular amendment, as I stated in my opening statement, I have some concerns of the bill in general because of the segmenting of various groups and sometimes pitting one against another and being competitive with each other, and so I can't say that I honestly would be in favor of a number of additional groups again further segmenting this.

But this just calls for a study and doesn't implement any particular groups or propose any additional new groups. So, for that reason, I would not oppose the amendment, and I want to thank him for his thoughtful consideration of this.

Ms. VELÁZQUEZ. Mr. Chairman, I urge the adoption of this amendment, and I yield back the balance of my time.

Mr. BAIRD. I thank the gentlelady, the Chair, and the ranking member for their support of this. Point well taken. This does call for a study. I think there are a number of groups under criteria that establish this program, merit discussion and examination, and particularly those who have come to our aid overseas. I'm familiar with some really heart-wrenching stories of folks who have been extraordinarily helpful to our country and face great personal hardship in Iraq and in Afghanistan. If we can help them rebuild their lives over here if they're forced to flee their country, that would be a meritorious deed.

But again, this is just calling for a study and, therefore, I urge its passage. I am grateful for the support.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–407.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of title VI, add the following new section (and amend the table of contents accordingly):

SEC. 602. SMALL BUSINESS ADMINISTRATION LIAISON.

(a) ESTABLISHMENT.—The Administrator of the Small Business Administration shall create a liaison position whose duty it is to ensure that section 2(i) of the Small Business Act is carried out.

(b) FUNCTIONS.—In carrying out the duty described in subsection (a), the liaison shall consult with the Assistant Secretary of the Department of Homeland Security for United States Immigration and Customs Enforcement.

The CHAIRMAN. Pursuant to House Resolution 773, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chair, section 2(i) of the Small Business Act states that only those lawfully in the United States shall receive funds under the Act.

My amendment establishes a Small Business Liaison to ensure that section will be followed. That's what the amendment does. It mirrors language contained in my bill, H.R. 3496, which requires the liaison to work in tandem with the Department of Homeland Security and the U.S. Immigration and Customs Enforcement group.

Listen up, America. We are the land of opportunity, and small business owners make up the backbone of our economy. However, Congress cannot continue to encourage and foster small businesses in our Nation, if we are not making those here legally an actual priority.

This simple amendment will ensure that small business loans and grants are going to those who follow the immigration rules that we have in place. Therefore, I urge the Members of this body to support this amendment.

And I certainly want to thank the gentlelady from my former home State of New York for working with us on this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the amendment offered by Ms. GINNY BROWN-WAITE seeks to ensure that taxpayer dollars go to small businesses that are complying with our immigration laws and not benefiting those that are breaking these laws.

While currently the Small Business Administration's Act prohibits the use of funds to benefit or assist individuals that are not lawfully within the United States, this change would allow for greater accountability. Creating a liaison between the Small Business Administration and the Department of Homeland Security on this matter will increase oversight and ensure that the agency's budget is being spent lawfully, efficiently and responsibly.

I also am grateful to have an ally in fighting this administration's efforts to reduce resources at the Small Business Administration. The fact is that the Small Business Administration needs personnel in carrying out this provision, as well as other critical operations.

We share the goal of ensuring that no funds expended under the Small Business Contracting Programs Improvement Act are used in such a manner. Sometimes having a law on the books isn't enough, and this amendment will go a step further in making sure that someone is there at the SBA actively enforcing this important spending provision.

We are prepared to accept this amendment, Mr. Chairman, and now I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlelady for yielding. And I want to compliment and thank the gentlelady from Florida for offering this important amendment. I think it certainly is a good addition to the bill.

I think it's clear that most Americans would only want those that are in this country legally to benefit from these types of taxpayer-funded programs. So it's a very good amendment, and I want to thank you for offering it, and we certainly will support it.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly want to thank the chairwoman for her cooperation on this. I think the key word, the operative word, here is obviously ''accountability.'' And I think this amendment will help to improve an already good bill.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MRS. GILLIBRAND

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–407.

Mrs. GILLIBRAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. GILLIBRAND:

At the end of title II, add the following (and amend the table of contents accordingly):

SEC. _____. PROHIBITION ON CONTRACT AWARDS TO CONTRACTORS IN VIOLATION OF IMMIGRATION LAWS.

Any employer found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien shall be subject to debarment from the receipt of future Federal contracts under this Act.

The CHAIRMAN. Pursuant to House Resolution 773, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

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

First, I would like to thank my fellow New York colleague, Chairwoman VELÁZQUEZ, for her leadership on this bill and for her constant effort to help our small businesses grow and prosper in America.

Small businesses are the foundation of upstate New York's economy. Small businesses represent over 99 percent of all employers and half of all private sector employees. More importantly, small businesses generate up to 80 percent of new jobs in America.

The bill that is on the floor today would allow upstate New York's small businesses to have increased opportunities to compete for Federal contracts against larger companies. Last year small businesses received only 21.5 percent of Federal contracts, which is much too small; and I look forward to this bill's passing on the floor that will allow our small businesses, especially disabled veteran-owned businesses, to compete for Federal contracts.

My amendment to this bill is very simple: businesses that continue to break the law by hiring illegal aliens should not be eligible for Federal contracts.

Mr. Chairman, we must reward businesses that play by the rules and punish those who do not. It is important that we fix our broken immigration system, and an important component of that is to cut off availability of jobs for undocumented workers, which can only be done when employers refuse to hire them. There are an estimated 12 million illegal aliens in this country; and if jobs are not available to them, then there will not be an incentive for them to come or remain here in America illegally. Hiring illegal aliens is against the law in America, and my amendment ensures that employers who knowingly hire illegal aliens cannot have access to the over $400 billion in Federal contracts that are awarded each year. This amendment will ensure accountability with taxpayers' money by preventing businesses who hire illegal aliens from receiving Federal contracts.

I urge my colleagues to vote ''yes.''

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

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank my colleague from New York for her amendment to ensure that Federal contractors are complying with the immigration laws of our Nation. I would like to ensure that the interpretation of the debarment provisions referenced in the gentlewoman's amendment are consistent with the debarment process as provided in the Federal Acquisition Regulation.

Mr. Chairman, small businesses face many obstacles in securing a workforce, and one of them is ensuring that their employees have the proper legal status. All of our employers are expected to comply with our immigration laws, and they should not be forced to compete in the Federal marketplace with those who are skirting these laws. Small businesses should be rewarded for ensuring that their employees are here legally.

My colleague's amendment ensures that no contractor who has a pattern of knowingly employing unauthorized workers will receive contracts under the Small Business Contracting Program Improvements Act. Furthermore, contractors found to be in violation of the employment provisions required under immigration law will face the possibility of debarment.

Participation in SBA's procurement programs is a privilege and not a right. As such, we expect participants to uphold the law. Those businesses that choose not to comply should not receive the benefits of SBA contract assistance.

I appreciate the gentlewoman's attention to this issue and commitment to ensuring that contractors who choose to violate immigration law will not benefit from it. While there may be disagreement on reforming our immigration system, we all agree that employers must comply with those laws that are on the books. This is simply a matter of fairness.

We are prepared to accept the amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlewoman for yielding.

I strongly support the gentlewoman from New York's amendment. I think it certainly improves the bill. It's just clear, I think, many, many Members on both sides of the aisle want to make clear that we don't think that taxpayer dollars ought to be going for illegal immigrants. And companies that are knowingly hiring people who are here illegally should not be able to benefit from any Federal dollars. And I think the gentlewoman by offering this amendment has improved the bill, and I want to thank her for offering this.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment, and I yield back the balance of my time.

Mrs. GILLIBRAND. I thank the gentleman and I thank Madam Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. GILLIBRAND).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. LAMPSON

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–407.

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. LAMPSON:

At the end of title VI, add the following:

SEC. ___. PROHIBITION ON BUSINESS-CLASS OR FIRST-CLASS AIRLINE TRAVEL.

In carrying out the provisions of the Small Business Contracting Program Improvements Act, the Small Business Administrator or any employee may not purchase business-class or first-class airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

The CHAIRMAN. Pursuant to House Resolution 773, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. LAMPSON. Mr. Chairman, I certainly appreciate the work that the chairwoman of the Small Business Committee and the sponsor of the Small Business Contracting Program Improvements Act and the rest of the committee are doing on behalf of small businesses, the lifeblood of America.

As we consider the Small Business Contracting Program Improvements Act, we must be mindful of how wasteful government spending impacts hardworking American families. Citizens expect Congress to be good stewards of taxpayer dollars; and when we allow irresponsible fiscal practices to continue in our government, then we set a bad example for our Nation and create a reckless blueprint for future spending.

So that's why I have introduced this amendment today. My amendment will clarify guidelines for premium travel by Small Business Administration employees when carrying out provisions of this act. A recent report by the GAO demonstrates that agencies are failing to follow Federal guidelines. This amendment will codify these regulations in order to curb wasteful spending by Federal agencies. Ending reckless spending is essential to regaining

the trust of American citizens and restoring fiscal responsibility.

This amendment also offers a direct method of guidance by referencing the sections of the Code of Federal Regulations related to premium travel for Federal employees. A similar amendment applying to the Department of Commerce employees passed earlier this year as a part of the Commerce-Justice-Science appropriations bill.

So as we continue to tackle large instances of government waste and abuse, let's not overlook smaller steps that we can take. I encourage support for this simple way to save taxpayer dollars and to reinstate fiscal responsibility and good government practices.

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

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank my colleague from Texas for his amendment.

Fiscal responsibility is a serious issue, and so is running an effective government. As we are currently operating with a budget deficit, we must do all we can to eradicate wasteful spending. Many times we focus on larger issues of waste and abuse and forget about the smaller problems that would be easier to solve. When we cut costs, even just a little, it can add up to big savings.

The SBA has consistently been asked to do more with less. Placing these restrictions on SBA funds will reduce unnecessary spending, giving the agency more money to use to truly assist small businesses. An agency already operating with less than its ideal budget should not be spending crucial funds on premium travel.

I appreciate the gentleman's attention to this issue and his effort to increase accountability in our government and require responsible spending decisions.

Mr. Chairman, I am prepared to accept this amendment, and I will yield to Mr. CHABOT for any comments he may have.

Mr. CHABOT. I thank the gentlewoman for yielding.

We do not oppose this amendment. I'm more used to dealing with the gentleman from Texas on some other issues, particularly his commitment as chairman of the Missing and Exploited Children's Caucus, and so many other issues. We have worked together on a whole range of issues attempting to protect children in this country. I want to thank him for his leadership in that area, and I also thank him for offering this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I urge support of this amendment, and I yield back the balance of my time.

Mr. LAMPSON. Mr. Chairman, I certainly appreciate the kind words of the ranking member on the Small Business Committee. Certainly, he too is a leader in the area of child exploitation.

As one of the cochairs of the Congressional Caucus on Missing and Exploited Children, you do great work. We appreciate all the attention.

And I particularly appreciate the gentlewoman from New York for allowing me to introduce this amendment and for the support that she has given to us on it.

I urge support of the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

The CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SALAZAR) having assumed the chair, Mr. HOLDEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes, pursuant to House Resolution 773, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CHABOT. Yes, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CHABOT moves to recommit the bill H.R. 3867 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Strike section 101(b).

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

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

Mr. BARTLETT from Maryland was previously going to offer the motion to recommit. He's not here; so I am going to offer it in his place, and I will be very brief.

This motion to recommit is really very simple. It reinstates the requirement that requires the government to set aside for competition contracts for small businesses located in HUBZones. As already noted, there is no reason to punish HUBZone firms by eliminating a mandatory competition requirement.

□ 1330

This motion will ensure that HUBZone firms will be able to carry out their purpose to redevelop low-income areas.

I also would just like to reiterate something that I said earlier when we were dealing with the overall bill in general, and that is that I want to again compliment the gentlelady from New York, Chairwoman VELÁZQUEZ, for reaching out to the minority, as she has in the past, in trying to work together. There were just philosophical differences which could not be overcome on this bill. But the committee has worked very well together in a bipartisan manner, and I want to thank her for that cooperation.

It is my intention to continue to work together on bills in the future because we have supported most of the bills that come out of the Small Business Committee, and I think that's good for small business in this country because that's something that we do have in common, and that is, that we believe to our core that future job growth in this country is dependent upon the vitality of small businesses. And small businesses in this country have a lot of things that they have to deal with: high health insurance rates for their employees, energy costs that have been going through the roof, a tax structure which is, at this point, unclear as to where it's going to be in the future. That's why many of us on this side of the aisle believe to our core that we need to make those tax cuts that were passed back in 2001 and in 2003 permanent. We ought to allow small businesses to know what their taxes are going to be like next year and the year after and the year after so that they can depend upon that tax structure to grow their business and to make investments so that they can create jobs. Because ultimately, that's what it's all about, to keep the economy thriving so that we can create more and more jobs for people in this country. And keeping taxes low is probably the best thing that we can do to allow the small business community in this country to grow and prosper.

So again, I want to thank the members of the committee, the staff, and the gentlewoman for her cooperation and reiterate that, although a good-faith effort was made, we do support this motion to recommit and we do oppose and would urge my colleagues to oppose the overall bill.

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

The SPEAKER pro tempore. Is the gentlewoman from New York opposed to the motion?

Ms. VELÁZQUEZ. I am.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, this is simple. This motion to recommit will take away contracts from veterans with service disabilities.

At this time, I would like to submit for the RECORD a letter from the American Legion that clearly states, ''We steadfastly oppose any amendments to alter the legislation's provisions that assist veteran-owned businesses in section 101.''

THE AMERICAN LEGION,
Washington, DC, October 17, 2007.

Hon. NYDIA M. VELÁZQUEZ,
Chairwoman, House Committee on Small Business,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRWOMAN VELÁZQUEZ: On behalf of the 2.7 million members of The American Legion I am writing to strongly endorse the Small Business Contracting Program Improvements Act, which is scheduled for markup in the Committee on Small Business as early as this week. Further, we steadfastly oppose any amendments to alter the legislation's provisions that assist veteran-owned businesses in section 101.

Recently, the entrepreneurial needs of America's veterans have been brought to the forefront, particularly those that have sustained a disability as a result of their active-duty service in the armed forces. With nearly a quarter of newly discharged veterans considering starting their own businesses, the importance of opening the federal marketplace to veterans, who are entrepreneurs, has never before been so important.

Unfortunately, there has been no appreciable progress toward meeting the three percent service-connected disabled veterans' government-wide contracting goal. Federal agencies have fallen well short, accomplishing levels of only 0.2 percent in 2003; 0.4 percent in 2004; 0.6 percent in 2005; and 0.9 percent in 2006. As a result, Congress must take stronger action.

We are pleased that the Small Business Contracting Program Improvements Act takes the clear and compelling action necessary to ensure that veterans receive their fair share of federal contracting opportunities. This legislation will result in increases to contracts awarded to veteran-owned companies. As the veterans' community continues to grow, the time is now to enact this important initiative.

We thank you, Chairwoman Velázquez, for introducing this legislation and we applaud the Committee for moving this measure in an expeditious manner. The American Legion looks forward to working with the Committee on this and future legislation to assist this country's small businesses.

Sincerely,

JAMES E. KOUTZ,
Chairman, National Economic Commission.

The ranking member knows that this amendment was introduced in the committee's markup and it was defeated 16–8.

Further, let me say that the underlying bill ensures that service-disabled veterans are given a preference in seeking Federal contracts. These individuals have consistently been shut out of the Federal contracts. Despite a 3 percent service-disabled veteran contracting goal since 1999, the highest accomplishment is less than 1 percent. These men and women have served our country, and they deserve better.

If the motion to recommit is adopted, and I want to make this clear, if this motion to recommit is adopted, veterans will no longer be a top priority. There will be no guarantee that service-disabled veterans will benefit from additional contracting opportunities. Instead, we would have competing programs, which is what we tried in this bill to rid ourselves of. Agencies will be more inclined to overlook disabled veterans in their award for sole source contracts.

And also, I would like to add for the RECORD, that this type of change is opposed by the American Legion, the National Black Chamber of Commerce, the Hispanic Chamber of Commerce, the U.S. Women's Chamber of Commerce, and the Associated General Contractors.

This motion will block business opportunity for service-disabled veterans. The American Legion opposed this motion, and we agree that this motion to recommit will be making it harder for veterans to secure Federal contracts.

You know, these are men and women coming back to our country from Afghanistan and Iraq. These are injured, service-disabled veterans who deserve the support of the American public and our Federal Government.

I ask Members to oppose this motion to recommit. As I mentioned, it was defeated 16–8 in the markup. This is merely an attempt at a second bite of the apple, and it should be defeated.

Mr. CHABOT. Would the gentlewoman yield?

Ms. VELÁZQUEZ. I would yield.

Mr. CHABOT. I thank the gentlewoman for yielding.

It is our view that veterans would not be in any way adversely affected if this motion to commit were to pass because they are already covered by the sole source area in the bill. So we just have an honest disagreement on this. We believe there is no way that veterans would be adversely affected if this motion to recommit would be passed.

Ms. VELÁZQUEZ. Let me just say to the gentleman that I don't know why you insist this section 101 to be stricken when you clearly know that this amendment was defeated in committee, not by Democrats, but Democrats and Republicans. It is opposed by every veteran organization in America.

Again, it will take Federal contracting away from disabled veterans. You know that we have failed these veterans before, and what we are doing is making sure that they have an opportunity to get a fair share of Federal contracts.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 177, nays 240, not voting 15, as follows:

[Roll No. 1016]

YEAS—177

Akin	Gallegly	Murphy, Tim
Alexander	Garrett (NJ)	Musgrave
Bachmann	Gilchrest	Myrick
Bachus	Gingrey	Neugebauer
Baker	Gohmert	Nunes
Barrett (SC)	Goode	Pearce
Bartlett (MD)	Goodlatte	Pence
Barton (TX)	Granger	Peterson (PA)
Bilirakis	Graves	Petri
Bishop (UT)	Hall (TX)	Pickering
Blackburn	Hastert	Pitts
Blunt	Hastings (WA)	Platts
Boehner	Hayes	Poe
Bonner	Heller	Porter
Bono	Hensarling	Price (GA)
Boozman	Herger	Pryce (OH)
Boustany	Hobson	Putnam
Brady (TX)	Hoekstra	Radanovich
Broun (GA)	Hunter	Ramstad
Brown (SC)	Inglis (SC)	Regula
Brown-Waite, Ginny	Issa	Rehberg
Buchanan	Johnson (IL)	Renzi
Burgess	Johnson, Sam	Reynolds
Burton (IN)	Jordan	Rogers (AL)
Buyer	Keller	Rogers (KY)
Calvert	King (IA)	Rogers (MI)
Camp (MI)	King (NY)	Rohrabacher
Campbell (CA)	Kingston	Roskam
Cannon	Kline (MN)	Royce
Cantor	Knollenberg	Ryan (WI)
Capito	Kuhl (NY)	Sali
Carter	LaHood	Saxton
Castle	Lamborn	Schmidt
Chabot	Latham	Sensenbrenner
Coble	LaTourette	Shadegg
Cole (OK)	Lewis (CA)	Shimkus
Conaway	Lewis (KY)	Shuster
Crenshaw	Linder	Smith (NE)
Culberson	LoBiondo	Smith (TX)
Davis (KY)	Lucas	Souder
Davis, David	Lungren, Daniel E.	Stearns
Davis, Tom	Mack	Sullivan
Doolittle	Mahoney (FL)	Terry
Drake	Manzullo	Thornberry
Dreier	Marchant	Tiahrt
Duncan	McCarthy (CA)	Tiberi
Ehlers	McCaul (TX)	Turner
Emerson	McCotter	Upton
English (PA)	McCrery	Walden (OR)
Everett	McHenry	Walsh (NY)
Fallin	McHugh	Wamp
Feeney	McKeon	Weldon (FL)
Flake	McMorris Rodgers	Westmoreland
Forbes	Mica	Whitfield
Fortenberry	Miller (FL)	Wicker
Fossella	Miller (MI)	Wilson (NM)
Foxx	Miller, Gary	Wilson (SC)
Franks (AZ)	Moran (KS)	Wolf
Frelinghuysen	Murphy, Tim	Young (AK)
	Musgrave	Young (FL)

NAYS—240

Abercrombie	Biggert	Cardoza
Ackerman	Bilbray	Carnahan
Aderholt	Bishop (GA)	Carney
Allen	Bishop (NY)	Castor
Altmire	Blumenauer	Chandler
Andrews	Boren	Clarke
Arcuri	Boswell	Clay
Baca	Boucher	Cleaver
Baird	Boyd (FL)	Clyburn
Baldwin	Boyda (KS)	Cohen
Barrow	Brady (PA)	Conyers
Bean	Braley (IA)	Cooper
Becerra	Brown, Corrine	Costa
Berkley	Butterfield	Costello
Berman	Capps	Courtney
Berry	Capuano	Cramer

Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Carson
Cubin
Deal (GA)
Hinojosa
Hulshof
Jefferson
Jindal
Kucinich
Paul
Sessions
Simpson
Smith (NJ)
Tancredo
Weller
Wilson (OH)

□ 1402

Messrs. EDWARDS, COHEN, GENE GREEN of Texas, THOMPSON of Mississippi, CROWLEY, SHAYS, CUMMINGS and DENT and Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Ms. ROS-LEHTINEN, Mrs. DAVIS of California and Mrs. BIGGERT changed their vote from ''yea'' to ''nay.''

Messrs. HOBSON, JORDAN of Ohio and CANTOR changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CHABOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 334, noes 80, not voting 18, as follows:

[Roll No. 1017]

AYES—334

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—80

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Boehner
Boustany
Broun (GA)
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, Tom
Doolittle
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Hastert
Hastings (WA)
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Lamborn
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Miller, Gary
Musgrave
Myrick
Nunes
Pence
Petri
Pitts
Price (GA)
Putnam
Radanovich
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Smith (NE)
Terry
Thornberry
Wilson (SC)

NOT VOTING—18

Carson
Cubin
Deal (GA)
Herger
Hinojosa
Hulshof
Jefferson
Jindal
Jones (OH)
Kucinich
Paul
Pryce (OH)
Sessions
Simpson
Stupak
Tancredo
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1408

Mr. LEWIS of Kentucky changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 1017 I was meeting with representatives of the Turkish community. Had I been present, I would have voted ''aye.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 3867.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

CJ'S HOME PROTECTION ACT OF 2007

Mr. DONNELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2787) to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2787

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 ''CJ's Home Protection Act of 2007''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) nearly 20,000,000 Americans live in manufactured homes, which often provide a more accessible and affordable way for many families to buy their own homes;

(2) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(3) NOAA Weather Radio (NWR) is a nationwide network of radio stations broadcasting continuous weather information directly from a nearby National Weather Service (NWS) office, and broadcasts NWS warnings, watches, forecasts, and other all-hazard information 24 hours a day;

(4) the operators of manufactured housing communities should be encouraged to provide a safe place of shelter for community residents or a plan for the evacuation of community residents to a safe place of shelter within a reasonable distance of the community for use by community residents in times of severe weather, including tornados and high winds, and local municipalities should be encouraged to require approval of these plans;

(5) the operators of manufactured housing communities should be encouraged to provide a written reminder semiannually to all owners of manufactured homes in the manufactured housing community to replace the batteries in their weather radios; and

(6) weather radio manufacturers should include, in the packaging of weather radios, a written reminder to replace the batteries twice each year and written instructions on how to do so.

SEC. 3. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARD.

Section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403) is amended by adding at the end the following new subsection:

''(i) WEATHER RADIOS.—

''(1) CONSTRUCTION AND SAFETY STANDARD.—The Federal manufactured home construction and safety standards established by the Secretary under this section shall require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home that—

''(A) is capable of broadcasting emergency information relating to local weather conditions;

''(B) is equipped with a tone alarm;

''(C) is equipped with Specific Alert Message Encoding, or SAME technology; and

''(D) complies with Consumer Electronics Association (CEA) Standard 2009–A (or current revision thereof) Performance Specification for Public Alert Receivers.

''(2) LIABILITY PROTECTIONS.—No aspect of the function, operation, performance, capabilities, or utilization of the weather radio required under this subsection, or any instructions related thereto, shall be subject to the requirements of section 613 or 615 or any regulations promulgated by the Secretary pursuant to the authority under such sections.''.

SEC. 4. ESTABLISHMENT.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the consensus committee established pursuant to section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5304(a)(3)) shall develop and submit to the Secretary of Housing and Urban Development a proposed Federal manufactured home construction and safety standard required under section 604(i) of such Act (as added by the amendment made by section 3 of this Act). Notwithstanding section 604(a)(5)(B) of such Act, the Secretary of Housing and Urban Development shall issue a final order promulgating the standard required by such section 604(i) not later than the expiration of the 90-day period beginning upon receipt by the Secretary of the proposed standard developed and submitted by the consensus committee.

SEC. 5. STUDY.

The Secretary of Housing and Urban Development shall conduct a study regarding conditioning the applicability of the requirement under the amendment made by section 3 of this Act (relating to supplying weather radios in manufactured homes) on the geographic location at which a manufactured home is placed, but only to the extent that such requirement applies to new manufactured homes and new site-built homes. In conducting such study and making determinations under the study, the Secretary shall take into consideration severe weather conditions, such as high winds and flooding, and wind zones and other severe weather data available from the National Weather Service. Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Secretary shall complete the study and submit a report regarding the results of the study to the Committee on Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 2787, CJ's Home Protection Act of 2007, introduced by my colleague and friend from Indiana (Mr. ELLSWORTH). H.R. 2787 would require that weather radios be installed in all new manufactured homes manufactured or sold in the United States.

Mr. Speaker, this legislation passed the Financial Services Committee unanimously on September 18 of this year. It would ensure that manufactured homes continue to provide the highest level of safety to their residents in the event of devastating weather conditions, such as hurricanes and tornadoes, which many regions of the country, including my home State of Indiana, are all too familiar with.

In Indiana, and in my congressional district, we have a proud and a strong tradition of providing first-class manufactured housing for Americans and providing quality jobs for Hoosiers. Manufactured homes house 22 million people in over 10.5 million homes. These manufactured homes have continued a tradition of quality and safe construction over the years. They present a high-quality, affordable housing option for families, and will continue to do so for years to come.

Mr. Speaker, this is a thoughtful and deeply personal piece of legislation, and I commend Mr. ELLSWORTH for working together with manufacturers and advocates alike to craft a bill in H.R. 2787 that works for everybody. I urge Members to vote in favor of this legislation.

Mr. Speaker, I am glad to yield such time as he may consume to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. I would like to thank the gentleman, my good friend from Indiana (Mr. DONNELLY).

Mr. Speaker, I rise today in support of CJ's Home Protection Act. Nearly 2 years ago, a killer F3 tornado struck my district in southwest Indiana. The tornado hit a manufactured housing community after most people had gone to bed on a Saturday night, and it took the lives of 25 Hoosiers, 20 in my county and five in Warrick County next door, lives that might have been saved if the victims knew a storm was approaching.

CJ Martin, an energetic, smiling 2-year-old boy, was one of the victims that night. He and the other 24 victims are the reason I am here today, as well as the victims who have suffered the same across our country. His picture is a reminder of the destruction that comes to families and communities when severe weather strikes without warning.

Mr. Speaker, I was the sheriff of the county back in 2005, and I oversaw the recovery effort in the wake of this storm. The picture doesn't do it justice. The horror and devastation the storm left behind is something I will remember for the rest of my life. That is why this bill is so important to me.

I met Kathryn Martin, CJ's mother, right after the storm, and in the months afterwards she took that pain and suffering and turned it into an effort to pass this same legislation in the State of Indiana, which she was successful in doing.

□ 1415

Kathryn was successful in getting the bill passed, and because of the awareness she raised about weather radios, the people in my hometown of Evansville, Indiana, have the most weather radios in households per capita.

When I met Kathryn, I promised her that if I ever got to Congress, I would introduce a Federal bill that did the same thing she was trying to push in our State. This bill before us today fulfills that promise. CJ's Home Protection Act amends the Federal Manufactured Home Construction and Safety Standard to require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home.

One might ask, not every area in this country suffers tornadoes. You are right about that. A tornado took CJ's life, but it could have just as easily been a fire like in California, flash flooding and even tsunamis. An added bonus of this bill would be that weather radios are also used to put out AMBER alerts.

The radio must be capable of broadcasting emergency information related to local weather conditions, equipped with a tone alarm and specific alert message encoding, and comply with Consumer Electronics Association standards for public receivers.

Like a smoke detector, these inexpensive devices can provide families with the warning they need to take action and protect themselves when severe weather strikes. This bill is about improving public safety, plain and simple. It is not about demonizing the manufactured housing industry. Kathryn and John Martin and the other residents of this community love their homes, and the manufactured homes provide affordable, high-quality homes for thousands of American families.

In fact, when my wife Beth and I were first married, we agreed to buy a manufactured home as our first home. Unfortunately, the manufactured housing park told us we were too young to move there so we had to make other arrangements.

I continue to be a strong supporter of manufactured housing. I see this legislation as adding one more feature to enhance the safety features of these structures. This bill is sponsored by the American Red Cross, the International Association of Firefighters, and the Michigan Committee for Severe Weather Awareness.

Before I close, I want to thank the chairman of this committee, BARNEY FRANK, SPENCER BACHUS, Congressman DENNIS MOORE and Congresswoman KAY GRANGER for their support and being supporters of this bill, as well as Congressman JOE DONNELLY. I would also like to thank my staff for their tireless work on this effort.

Severe weather does not distinguish between Republicans and Democrats. It doesn't care whether you live in Indiana, California, Alabama, or Kansas. This is public safety legislation, and for a mere $30 to $80, we can perhaps save the next 2-year-old boy from this type of devastation.

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

Mr. BACHUS. Mr. Speaker, I rise in strong support of CJ's Home Protection Act of 2007.

Congressman ELLSWORTH said a picture is worth a thousand words, and he held up a picture of CJ Martin. When the Congressman brought CJ's mother, Kathryn Martin, to my office, he brought that picture with him. It brought back memories to me of another picture, of not a little boy but of a little girl, and I have that picture with me today.

This is a picture of Whitney Crowder. Now, unlike CJ, I am happy to say that today she is an eighth grader in a Tuscaloosa city school. She is doing well, but she has had a lot to overcome. Just like CJ, she and her family lived in manufactured housing.

Let me tell you, manufactured housing in the South has replaced a lot of substandard housing. It provides affordable housing for a lot of Alabamians. As many as one out of five Alabamians lives in a manufactured house. It is affordable. It is clean, and it provides a very good home.

Whitney was living in one of these manufactured houses. An alert went out that said a tornado was 30 miles off. She had approximately 20 minutes; but the TV wasn't on. She didn't have a weather alert radio. And although the TV stations were able to track that storm and to tell within a quarter mile where it was going and when it would arrive there, she and her grandmother and the rest of her family didn't have the TV on. Some people say why don't you require these in cars. Why just manufactured housing? Well, in fact studies show when people are in cars they have the radio on and more often than not they receive an alert.

But as is the case in Alabama with this storm and another storm that took 32 lives a few years before that, people were asleep. I think the Martins were asleep. They had no idea that a killer tornado was bearing down on them, even though warnings were going out.

As I said, although I am happy to say that Whitney survived the tornado, her brother Wesley, 16-month-old, and her father did not. They were killed.

We have come to a time in our country where we really have no excuse not to do the few elementary things we can do to prevent the death or at least lessen the likelihood of the death of CJ Martin in Indiana or Wesley Crowder and his dad, Whitney's father, in Alabama. Technology today in an F–5 or F–4 storm gives 30 to 40 minutes' warning. With that warning you only need two things: You need shelter from the storm, you need a place to go, and you need to receive that warning.

Now, in 2003 this Congress passed the Tornado Shelters Act, which allows communities to use community block grant money to build shelters, a shelter from the storm, a shelter that could exist for the Martins or the Crowder family, and a mobile community.

I am happy to report in my district, the Sixth Congressional District of Alabama, we now have six of these shelters in or near manufactured housing communities. But people don't have to go to those. If they are in manufactured housing, they can go to a nearby building with a basement or interior room. Manufactured housing, a mobile home as some of us call them, they don't have basements and interior rooms. It is not wrong; it is just something they are not designed to have. But there are permanent structures nearby, whether it be a school, a tornado shelter that we authorized in 2003, or maybe even their parents' house. The Crowders had an aunt and uncle that lived only about 400 yards away in a site-built house with a basement. They would have been safe from that storm. The technology was there to warn them. The shelter was there to receive them, but there was no weather radio.

Now, what's the cost of a radio? Some people have talked about the cost that you are imposing, although the manufactured housing industry as far as I know has said they support this bill. Well, Wal-Mart just came out with a weather radio for $12. So that's the cost if you buy them in bulk. You can put them in for $12 in a mobile home, manufactured housing. $12. What is the cost of not acting? For the Crowder family there are all sorts of costs. The greatest cost was the loss of two individuals, a little 16-month-old boy, Whitney's little brother, and her father. Also the cost to Whitney and her mother and the 12 other people injured by this storm. The cost was several million dollars in health care costs.

Now, we are not here to save money; we are here to save lives. But this bill will not only save lives; it will save money. A killer tornado like this hit Oak Grove at night, and among the things it did was paralyze a man. That man is still paralyzed to this day and his cost of treatment is, as we all know, hundreds of thousands of dollars a year. One radio in that gentleman's manufactured housing home could have saved him a life of paralysis. But, instead, it took 30 lives and denied him mobility for the rest of his life.

As the Congressman from Indiana said, this is not about Republicans or Democrats. There are certain things we ought to say, it is time to do this; and technology has reached that time. When 40 percent to 50 percent to sometimes as many as 60 percent of the deaths every year from these killer tornadoes are in mobile homes, manufactured housing, and families live in these houses, whether they be our grandparents, our parents, our children, our neighbors, our loved ones, or people we don't even know, you see the devastation here. There were site-built homes here. This is a manufactured house. Twenty-seven manufactured housing units in this area, a mobile home community, no longer existed.

As the gentleman from Indiana said, looking at this picture really doesn't do it justice. People actually commented when they came upon this area which was about half a mile long and 400 yards wide, it looked like a garbage dump. You couldn't tell there had been a community there. It looked like there were a few junk cars because the cars were rolled over and over.

We can rebuild these communities; but CJ, we can't bring him back. We can't bring Whitney's little brother and father back, but we can do our best for literally pennies to prevent some of these deaths.

I think that is why 55 TV stations throughout this Nation have made this their cause. They visited us in Washington last year. They said, Look, we will get the warning out and there are shelters available. But please require the installation of a $12 radio so we can bridge that gap between warning and safe shelter.

That is what we are here to do today. In this House where we sometimes are in conflict and at loggerheads, can't we this time come together in a united way in an effort that will cost almost nothing and which the manufactured housing industry said we are willing to do this, and require these radios. And not only when a tornado comes or when a devastating flood comes like came to Texas and people were asleep in a mobile home community and several of those homes were swept away. This will save lives.

So I commend CJ Martin's mother. That's what America is about, someone saying I lost my son but I don't want it to happen again. It is about the Crowder family who wrote me a letter, a grandmother saying please push this bill.

We will never go back and know whether CJ could have survived had this legislation been passed. We will never know whether Wesley Crowder and his father would survive, but we do know by talking to people throughout the United States that these radios have in many, many cases already saved lives and will save lives if we install them in manufactured housing.

□ 1430

We have a shot at significantly reducing over half the deaths from tornados simply by taking the step together united, Republicans and Democrats, and passing this legislation.

I commend Chairman FRANK for expeditiously moving this legislation, and I commend the Member from Indiana for his thoughtfulness and his care and dedication to this issue.

Mr. DONNELLY. Mr. Speaker, I want to thank the ranking member for his thoughtful and eloquent remarks; Congressman ELLSWORTH for his tireless effort on behalf of this, and the manufactured housing industry for their assistance.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and pass the bill, H.R. 2787, as amended.

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

A motion to reconsider was laid on the table.

PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT OF 2007

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2106) to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2106

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 ''Procedural Fairness for September 11 Victims Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

''(4) NATIONWIDE SUBPOENAS.—

''(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2106, the Procedural Fairness for September 11 Victims Act of 2007. This bill is substantially identical to H.R. 3921, a bill that the House Judiciary Committee reported by voice vote without amendment on October 24.

This legislation would provide immediate procedural relief to the victims of the terrorist attacks of September 11, 2001, by implementing a technical fix to a bill that this Congress passed in the wake of those horrible events.

Eleven days after the September 11 attacks, we passed comprehensive legislation, the Transportation and Systems Stabilization Act. That Act, among other things, created a Victims Compensation Fund to provide relief for victims without the need for litigation. It also allowed victims to opt-out of the fund and seek relief in court.

The bill limited jurisdiction over any civil litigation to the United States District Court for the Southern District of New York.

An unintended consequence of our actions, under operation of the Federal Rules of Civil Procedure, was that subpoena power to secure testimony or documents from nonparty witnesses to any litigation has generally been limited to persons and documents located within 100 miles of the Southern District of New York.

The law we passed in 2001 did not take this 100-mile rule into account. Unfortunately, many of the events relevant to the September 11 tragedy occurred in Boston, where American Airlines Flight 11 and United Airlines Flight 175 originated, and in the Washington, DC, area where the Pentagon is

located and where American Airlines Flight 77 originated. Both of these locations are far outside the 100-mile limit from the Southern District of New York.

The bill before the House today would remedy this problem by providing for nationwide subpoena service for all parties in the litigation, victims, victims' families and defendants, to ensure that all parties involved have an opportunity to obtain the witnesses and evidence they need to obtain a fair hearing. That was Congress' intent, and we should not allow the unintended interplay between the 9/11 legislation and the Federal Rules of Civil Procedure to undermine that legislative purpose.

The bill also makes clear that the existing power of the Federal court under rule 45(c) to quash or modify a subpoena in order to protect a subpoenaed person from undue hardship or expense is maintained. That is the current rule, and the bill makes it clear that this important protection for witnesses will remain.

Congress has previously approved nationwide subpoena power in other contexts. For example, nationwide subpoena power is available under the False Claims Act, the Veterans Benefit Act and the Civil RICO statute.

This bill has bipartisan support. It passed the Senate by unanimous consent in committee and on the Senate floor. The House version, which is substantively identical to the Senate version, was reported by the House Judiciary Committee by voice vote.

Six years ago, Mr. Speaker, Congress and the Nation came together to provide prompt and equitable assistance for September 11 victims. I urge my colleagues to ensure that the laudable goals of that effort are not frustrated by the unintended effect of the Federal Rules of Civil Procedure in this particular case.

I urge the adoption of this measure.

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

Mr. KING of Iowa. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I support S. 2106, the Procedural Fairness for September 11 Victims Act of 2007.

In the wake of the 9/11 terrorist attacks, Congress created an operational alternative compensation program for victims killed or injured during the attacks.

This statute mandates that liability for all claims resulting from the 9/11 attacks is limited to an amount no greater than the limits of liability coverage maintained by the air carriers involved.

The statute further provides that compensation may only be obtained pursuant to a Federal cause of action brought in U.S. District Court for the Southern District of New York, where a consolidated action is already pending.

Representatives of several passengers, ground victims and others are suing airline companies, airport security firms, airport authorities, and other defendants. The litigation focuses on events in New York; Washington, DC; Boston Logan Airport; and other areas around the country.

In most civil litigation brought in Federal court, rule 45, mentioned by my colleague from New York, of the Federal Rules of Civil Procedure limits the service of trial subpoenas to nonparty witnesses to the district and State where the case was filed ''or at any place without the district that is within 100 miles of the place of trial.'' This limitation precludes the issuance of some subpoenas in the 9/11 litigation.

However, rule 45 also states, Mr. Speaker, that service may take place elsewhere pursuant to another Federal statute. For example, Congress allows for nationwide service under the False Claims Act, under the Veterans Benefits Act, and under the Civil RICO statute.

If this nationwide service feature is not extended to the 9/11 victims compensation law, a number of important witnesses will not be able to testify in person during the litigation.

There are alternatives to S. 2106, such as conducting pretrial, nonparty depositions around the country or videoconferencing, but they might prove costly. They're more likely to deny the jury the benefit of live, firsthand testimony.

Mr. Speaker, the bill applies equally to plaintiffs and defendants. The legislation promotes justice that is based on Federal precedent in other areas of law.

On this subject matter in this particular case, I agree with my colleague. This is a piece of legislation that did pass out of the full Judiciary Committee by voice vote, without any discernible opposition, something that brings us together here in this Congress, and I urge adoption.

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

Mr. NADLER. I would add, it's somewhat rare in the Judiciary Committee, as my colleague knows.

Mr. Speaker, I now yield 5 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank my colleague from New York for yielding.

On behalf of my colleagues of New York's congressional delegation, and as one who represents families of the first responders and victims of the September 11 terrorist attacks, I'm proud to rise as the sponsor of the House companion to this important legislation.

I also wish to thank my 11 cosponsors and the distinguished chairman of the Judiciary Committee, Mr. CONYERS, as well as the Democratic leadership for expediting the consideration of this bill.

The Procedural Fairness for September 11 Victims Act of 2007, as its title implies, ensures fairness for the victims of the terrorist attacks by correcting a shortcoming in the Federal Rules of Civil Procedure and by reversing an unintended consequence of the bill that established the September 11 Victim Compensation Fund.

Although I was not yet in Congress, many of my colleagues who were here at that time will recall when this body passed the bill creating the compensation fund in 2001.

Shortly thereafter, the Justice Department administered how the fund could allow victims of the terrorist attacks or their families to apply for financial assistance following the loss of loved ones who perished on that tragic day.

The Justice Department also designated the Southern District of New York as the only court in which 9/11 claims could be litigated if victims and their families chose to opt out of the fund.

As a result of this designation and a flaw in the Federal Rules of Civil Procedure, families of the victims, as well as the defendants in the 9/11 cases, cannot gain access to testimony or documents from witnesses who did not live within 100 miles of the Southern District of New York.

But there's really no logical reason why victims and their families should be prevented from securing documents and witnesses just because they happen to be more than 100 miles outside the Southern District.

It is obvious that many of the victims aboard the four airliners that crashed and those who were killed inside the World Trade Center and at the Pentagon, as well as those who witnessed these horrific events, resided well outside of this 100-mile radius of the Southern District of New York.

And it should be assumed that many of the families of the victims who are involved in the 9/11 claims, or those who will seek compensation at a later date, as well as the witnesses, still live in the same locations across the country. Therefore, geography simply should have no role in how they seek compensation.

In response to this problem, this bill amends the Air Transportation Safety and System Stabilization Act to provide for nationwide subpoena power to all parties involved, victims, their families and the defendants, when litigating 9/11 claims.

Simply put, this bill establishes a full measure of justice by allowing subpoenas to be served anywhere in the country, ensuring that all the parties involved in the 9/11 suits can gain all of the information necessary to try these cases fully and fairly.

My colleagues on both sides of the aisle can agree that justice requires that all the parties to cases arising under the Victims Compensation Fund have access to all the testimony and documents relevant to their claims, regardless of where the witnesses or documents are located in the United States.

Therefore, Mr. Speaker, I encourage my colleagues to support the Procedural Fairness for September 11 Victims Act of 2007. Once again, I want to thank the Judiciary Committee for reporting this measure to the floor so promptly, and I thank the leadership for moving it.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume. I just conclude with some of the time that I yield to myself, and I will do so briefly. Sometimes we put a lot of words into our dialogue here, and I just wanted to put it into the simple words.

This bill says a subpoena may be served at any place in the United States with regard to this Act. Very simple. It's something that I do believe provides a better opportunity for justice and equity for those who are involved in a cause of action on this 9/11 victims compensation, and so I urge adoption of this bill.

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

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

Mr. Speaker, the complicated debate over this bill is not so complicated. It's a very simple bill, as you heard. There's unanimous agreement on it. It ought to pass. I thank the leadership. I thank the leadership and the minority leadership on the Judiciary Committee for expediting the bill to where it is now. I urge my colleagues to support this legislation.

S. 2106

Mr. HALL of New York. I am very pleased that today the House passed S. 2106, the Procedural Fairness for September 11 Victims Act. This bill is the Senate companion to an important piece of legislation I sponsored along with my good friend Representative TIM BISHOP of Long Island.

To start off I'd like to thank Mr. BISHOP for introducing this important bill in the House, and Mr. BIDEN for introducing it in the Senate. This is a simple bill, but a vital one to the people who it will affect, and I applaud both gentlemen for calling it to my attention, and that of the Congress as a whole.

Shortly after the 9/11 attacks, Congress passed legislation to the effect that those victims and families of victims seeking legal redress as a result of the events of 9/11 may do so only in the federal court in the Southern District of New York. However, under the Federal /Rules of Civil Procedure, parties can only issue subpoenas for testimony and documents located within 100 miles of the District. This means that a significant percentage of evidence that might be relevant to the case is unobtainable to the participants only because it is not located within the New York City metropolitan area.

When Congress mandated that only one specific court could hear lawsuits from those people who opted out of the 9/11 Compensation Fund, no one foresaw that the decision would prove to be a barrier for those people who seek evidence from outside the jurisdiction of this court. But there is no alternative as to where they can bring suit.

I am proud to support this bill because it fixes this unintended flaw by providing nationwide subpoena power to all the parties involved in litigating 9/11 claims. The 9/11 attacks were an attack on the whole country. It was a tragedy that greatly affected us all. There's no reason why victims should be prevented from obtaining possibly vital evidence, just because it happens to be outside the jurisdiction's direct subpoena power.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 2106, the Senate companion to H.R. 3921, the ''Procedural Fairness for September 11th Victims Act of 2007.'' This legislation amends the Air Transportation Safety and System Stabilization Act to allow those September 11th victims and their families who opted out of receiving compensation through the September 11th Victims Compensation Fund to have nation-wide subpoena power when litigating September 11th claims. It is necessary to make this change because presently all parties involved in litigating September 11th claims—victims, victims' families and defendants—must do so in the U.S. District Court for the Southern District of New York. The problem occurs because under the Federal Rules of Civil Procedure, no party may compel testimony or documents from non-party witnesses who do not live within 100 miles of the Southern District of New York. This bill would provide for nation-wide subpoena power for all parties. The court however, would retain its authority to modify or quash any subpoena that it determined to be too burdensome.

Mr. Speaker, within 11 days of the September 11th attacks, Congress drafted, debated, adopted and signed into law the Air Transportation Safety and Systems Stabilization Act (ATSSSA), 49 U.S.C. Section 40101. Among other things, this legislation included assistance to the airline industry and created an optional alternative compensation program for individual victims killed or injured by the events of September 11th (the September 11th Compensation Fund). The United States District Court for the Southern District of New York was designated as the only court with ''original and exclusive jurisdiction over all actions brought'' arising out of the attacks of September 11th. The objective was to consolidate all litigation arising out of September 11th events in one location before a single court that could adjudicate all the claims in a thorough, efficient, equitable and fair proceeding.

Given the justifiable interest of Congress in expediting assistance to the airline industry and creating a mechanism to provide compensation to the persons who bore the brunt of the national trauma occurring on September 11th, it is understandable that the Congress did not give due regard to Federal Rule of Civil Procedure 45, which provides for service of trial subpoena to non-party witnesses in the district or State where the case was filed or anyplace within 100 miles of the district that the court proceedings will take place (the ''100 mile bulge'').

The upshot, Mr. Speaker, is that in the absence of this minor change, subpoenas would be limited to within 100 miles of the Southern District of New York (within 100 miles of Manhattan) and could not reach the geographically significant and relevant locales of Boston, Massachusetts (from where flights American Airlines 11 and United Airlines 175 originated) and Washington Dulles Airport (from where American Airlines flight 77 originated).

Pending before the District Court for the Southern District of New York is the consolidated action, In re September 11 Litigation, in which representatives of a number of passengers and ground victims (including claims brought by those who came to the World Trade Center disaster site to assist with the debris removal effort following the attacks), as well as an array of parties suing for property damage and consequential economic loss are seeking recovery from a group of defendants including airline companies, airport security firms, airport authorities, the Boeing Corporation and others.

This litigation focuses not only on the events that occurred at the Twin Towers in Manhattan but also hundreds of miles away at Washington's Dulles Airport, Boston's Logan Airport and various other locations around the Nation, including the headquarters for each of the various airlines and security companies. It has become clear that in order for the September 11th victims, their families, and the defendants to have access to all the evidence relevant to the case, it is necessary to make available at trial non-party witnesses from Massachusetts, Virginia, and elsewhere. The legislation before us accomplishes this limited objective.

H.R. 3921 is non-controversial, bipartisan and bicameral. There has been no opposition to the bill from any interested sectors. the legislation is identical to S. 2106, which was introduced by Senator BIDEN of Delaware on September 27, 2007 and passed by unanimous consent in the Judiciary Committee and the full Senate the following day. That bill was referred to the House Judiciary Committee as the sole referral. Mr. Speaker, for the reasons stated, I strongly support H.R. 3921 and urge my colleagues to join me in voting for this wise and beneficial legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the Senate bill, S. 2106.

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

A motion to reconsider was laid on the table.

□ 1445

THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2258) to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2258

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 ''Third Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20

U.S.C. 1001 note) is amended by striking ''October 31, 2007'' and inserting ''March 31, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

SEC. 4. DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.

Section 435(p) of the Higher Education Act of 1965 (20 U.S.C. 1085(p)) is amended —

(1) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d).''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

''(II) is acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity, on the date of enactment of the College Cost Reduction and Access Act, was the sole beneficial owner of a loan eligible for any special allowance payment under section 438.'';

(B) in subparagraph (A)(ii), by inserting ''of'' after ''waive the requirements'';

(C) by amending subparagraph (B) to read as follows:

''(B) NO FOR-PROFIT OWNERSHIP OR CONTROL.—

''(i) IN GENERAL.—No State, political subdivision, authority, agency, instrumentality, or other entity described in paragraph (1)(A), (B), or (C) shall be an eligible not-for-profit holder under this Act if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.

''(ii) TRUSTEES.—A trustee described in paragraph (1)(D) shall not be an eligible not-for-profit holder under this Act with respect to a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.'';

(D) by amending subparagraph (C) to read as follows:

''(C) SOLE OWNERSHIP OF LOANS AND INCOME.—No State, political subdivision, authority, agency, instrumentality, trustee, or other entity described in paragraph (1)(A), (B), (C), or (D) shall be an eligible not-for-profit holder under this Act with respect to any loan, or income from any loan, unless—

''(i) such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan; or

''(ii) such trustee holds the loan on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan.'';

(E) in subparagraph (D), by striking ''an entity described in described in paragraph (1)(A), (B), or (C)'' and inserting ''a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d),''; and

(F) by amending subparagraph (E) to read as follows:

''(E) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A), (B), (C), and (D) of this paragraph, a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), shall not—

''(i) be deemed to be owned or controlled, in whole or in part, by a for-profit entity; or

''(ii) lose its status as the sole owner of a beneficial interest in a loan and the income from a loan,

by such State, political subdivision, authority, agency, instrumentality, or other entity, or by the trustee described in paragraph (1)(D), granting a security interest in, or otherwise pledging as collateral, such loan, or the income from such loan, to secure a debt obligation for which such State, political subdivision, authority, agency, instrumentality, or other entity is the issuer of the debt obligation.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to S. 2258 into the RECORD.

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

There was no objection.

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

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

Mr. YARMUTH. Mr. Speaker, I rise in support of S. 2258, a bill to extend programs under the Higher Education Extension Act of 1965.

In addition to extending the current programs under the Higher Education Act for 5 months until March 31, 2009, the bill also makes a necessary technical correction to the College Cost Reduction and Access Act with respect to nonprofit lenders. This language will ensure the designation of a nonprofit lender will go to those that Congress intended.

During this Congress we have made significant commitments to our Nation's students and families by putting resources in the hands of those most in need. H.R. 2669, as passed and signed by the President, does more to help Americans pay for college than any effort since the GI Bill at no new cost to taxpayers.

Specifically, the legislation provided a landmark investment of $20 million in additional funding for Pell Grants, reductions in the interest rate on student loans, and the creation of programs to help students manage debt, as well as encourage individuals to pursue public service.

Providing this critical funding is a large part of our efforts to increase access on affordability to higher education. The next step is to work on policies that further support access and affordability, such as campus-based aid, TRIO, GEAR-UP, teacher education and the other programs that make up the Higher Education Act.

Additionally, we realize that millions of Americans are deeply worried about whether they can afford to send their kids to college or how they will be able to pay the bills while also paying off substantial student loan debt. Looking at how the Federal Government can assist in addressing the rising cost of college will also be a key part of the reauthorization of the Higher Education Act.

I look forward to working with Chairman MILLER and the other members of the committee to complete work on the Higher Education Act.

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

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

Mr. Speaker, the House began this exercise last week granting a temporary extension of programs under the Higher Education Act. We did the same thing in July of this year and in June, and we did it a half dozen times before that. For the most part, these extensions have been clean, simply maintaining current law. Unfortunately, they are now becoming more complicated.

Earlier this year, Congress passed a package of student aid reforms cloaked in the guise of a budget reconciliation bill. Instead of moving through regular order, the new majority took a shortcut. That shortcut has cost us dearly. Budget reconciliation bills have strict limitations designed to prevent them from being abused as a tool to enact policy, rather than budgetary reform.

Judging by this year's bill, those rules are not strict enough. Nonetheless, the budget reconciliation process chosen by the majority prevented us from including fundamental reforms to the bulk of the Higher Education Act.

A few weeks ago, committee Republicans introduced H.R. 3746, the College Access and Opportunity Act of 2007.

This bill is an updated version of the reauthorization bill that passed the House last Congress. H.R. 3746 would strengthen the Pell Grant program, empower parents and students through ''sunshine'' and transparency and college costs and accreditation, improve college access programs and much more. Unfortunately, the House has yet to act on comprehensive reforms.

The budget bill enacted earlier this year was a missed opportunity of epic proportions. But worse than that, it was a classic example of how a secretive rushed legislative process can produce harmful unintended consequences.

In rushing to the floor with the reconciliation bill, Democrats made mistakes. Several provisions included in the reconciliation bill need to be fixed so that everyone is treated fairly under the law and the law can be implemented as Congress intended. Additionally, the Department of Education has already reached out to Congress to discuss one of the new grant programs, which they see as near to impossible to implement as written.

Had Congress had time to contemplate the impact of the provisions in the new programs, we may have been able to avoid all the confusion that now must be corrected. Today, in addition to extending these programs, we are being forced to fix mistakes made by the flawed budget reconciliation bill. Some of these mistakes can be corrected because the Department of Education has yet to act on them, despite the October 1 implementation date. Other legislative errors have already been implemented by the Department of Education, rendering a correction costly, if not impossible.

Already our hands are tied, and we are unable to fairly and fully correct the problems created through reconciliation. Rather than repeat this rushed process again, I hope that we will move forward with the Higher Education Act reauthorization in a bipartisan and thoughtful manner.

I look forward to working with Chairmen MILLER and HINOJOSA and Ranking Member KELLER, and all of my colleagues on the Education and Labor Committee, in completing our work in the coming months.

In the meantime, however, I urge my colleagues to join me in supporting this extension.

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

Mr. YARMUTH. Mr. Speaker, I will close by once again strongly encouraging my colleagues to support this important legislation, thanking the distinguished ranking member of the Education and Labor Committee.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and pass the Senate bill, S. 2258.

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

A motion to reconsider was laid on the table.

REREFERRAL OF H.R. 2744, AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. YARMUTH. Mr. Speaker, I ask unanimous consent that the Committees on Education and Labor, House Administration and Oversight and Government Reform be discharged from further consideration of the bill (H.R. 2744) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews, and that the bill be rereferred to the Committee on Education and Labor.

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

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 866

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 866, a bill originally introduced by Representative Norwood of Georgia, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

MAKING PERMANENT THE AUTHORITY TO ISSUE SPECIAL POSTAGE STAMP TO SUPPORT BREAST CANCER RESEARCH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1236) to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1236

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

SECTION 1. EXTENSION OF AUTHORITY.

Section 414(h) of title 39, United States Code, is amended by striking ''2007'' and inserting ''2011''.

SEC. 2. REPORTING REQUIREMENTS.

The National Institutes of Health and the Department of Defense shall each submit to Congress and the Government Accountability Office an annual report concerning the use of any amounts that it received under section 414(c) of title 39, United States Code, including a description of any significant advances or accomplishments, during the year covered by the report, that were funded, in whole or in part, with such amounts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. Mr. Speaker, as a sponsor of H.R. 1236, the bill would make permanent the breast cancer research stamp, which first went on sale on July 29, 1998.

After several discussions with the Postal Service, I offered an amendment in the nature of a substitute to H.R. 1236 during the Subcommittee on Federal Workforce, Postal Service and the District of Columbia markup on September 18, 2007.

The amendment retained the Postal Service's flexibility by reauthorizing the breast cancer stamp for an additional 4 years and strengthens the bill's reporting requirements. The new reporting requirements would assess the breast cancer stamp's effectiveness and appropriateness and the cost to the Postal Service for administering the program to find a cure for breast cancer.

The amendment was agreed to by voice vote. H.R. 1236, as amended, was reported from the Oversight Committee on September 20, 2007, by a voice vote.

In America, breast cancer is reported as the second leading cause of cancer deaths among women after lung cancer. The American Cancer Society estimated 178,480 women will be diagnosed this year with invasive breast cancer. In the U.S., approximately 40,000 will die.

The Postal Service has sold over 785.6 million breast cancer research stamps from which $54.626 million have been transferred to the National Institutes of Health and DOD for breast cancer research and awareness.

I encourage my colleagues to support H.R. 1236 and urge the swift passage of this bill.

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

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

First of all, I want to commend my good friend, the gentleman from Missouri (Mr. CLAY), for his remarks and his work on this legislation.

I rise today to urge passage of H.R. 1236, to extend the authority of the U.S. Postal Service to issue a stamp to support breast cancer research.

Those of us in Congress received a tragic reminder of the need for continued research into this disease with the passing of our beloved colleague, Jo Ann Davis; and we thank the majority, in particular Mr. CLAY, for taking the opportunity to honor her memory.

Nearly 180,000 people, mostly, but not all, women, will learn that they have invasive breast cancer this year alone. About 40,000 people will die from this disease. Women who are white and over the age of 40 are more likely to suffer from breast cancer, but its victims run the gamut of age, race and socioeconomic background. We have made some progress in recent years thanks to early detection and increased awareness and availability of mammograms.

But in the past 3 years, both mammograms and incidence of breast cancer have decreased. This doesn't mean things are getting better. It means ominously and unfortunately that fewer cases are being detected.

As I am sure Jo Ann Davis would tell us if she were still with us here today, early detection, early treatment, constant vigilance and public awareness are key to putting this disease in its place. For example, incidence rates of both invasive and in-situ breast cancer rise and fall with the percentage of women who receive mammograms.

After two decades of progress, both the use of mammograms and the rates of detection have begun to slip in recent years. As early detection increased, so did survival rates; but they will fall, too, if we can't improve public awareness of the importance of early detection.

That's where the measure that is before us comes in. This bill would reauthorize the Postal Service to issue the 55-cent stamp for first class mail, with 14 cents of each stamp going to breast cancer research and awareness programs for an additional 4 years. Since the program began in 1998, the Postal Service has sold more than 785 million of these stamps and raised $54.6 million for breast cancer research.

This disease preys on women such as Jo Ann Davis and on so many others, women on whom others have come to depend. They are mothers, grandmothers, business owners, teachers, researchers, even Members of this great body. We need these women and the invaluable contributions they make to our life and society. We need this measure to help save their lives.

I have had the privilege of attending every single Race for the Cure for the past 11 years, every single one that has been held in my hometown of Knoxville.

□ 1500

This is a very worthwhile cause that I am sure all of our colleagues on both sides of the aisle can support very enthusiastically.

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

Mr. CLAY. Mr. Speaker, let me thank the gentleman from Tennessee (Mr. DUNCAN), my friend, who is certainly committed to this cause and who has joined with me in what I think is a worthwhile cause for the people of this country.

I also want to dedicate H.R. 1236 in memory of the late Congresswoman Jo Ann Davis. Jo Ann's courageous battle with breast cancer further inspires us to expand efforts to secure more research dollars and find a cure for this devastating disease.

I commend everyone who has championed this issue in Congress, including former Representative Vic Fazio for introducing the first Breast Cancer Research Stamp Act in 1996, and Senator DIANNE FEINSTEIN, Representative JOE BACA and the late Juanita Millender McDonald who pioneered the idea of a permanent breast cancer stamp, research stamp in 2001. And I ask my colleagues to support the passage of H.R. 1236.

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

Mr. DUNCAN. Mr. Speaker, I have no additional speakers, and I urge passage of this legislation.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no additional speakers, and I urge my colleagues to vote in favor of this worthwhile effort.

I yield back my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1236, as amended.

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

The title was amended so as to read: ''A Bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.''.

A motion to reconsider was laid on the table.

DENNIS P. COLLINS POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3307) to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3307

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

SECTION 1. DENNIS P. COLLINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, shall be known and designated as the ''Dennis P. Collins Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. Mr. Speaker, as a Member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3307, which names a postal facility in Bayonne, New Jersey, after Dennis P. Collins.

H.R. 3307, which was introduced by Representative ALBIO SIRES on August 1, 2007, was reported from the Oversight Committee on September 20 of 2007 by voice vote. This measure has the support of the entire New Jersey congressional delegation.

Mr. Speaker, Dennis P. Collins was a veteran of World War II and served in the U.S. Army for 3 years. In 1974, the people of Bayonne, recognizing Mr. Collins's abilities and his love for the community, elected him as mayor when Mayor Fitzpatrick decided not to run for another term. He was re-elected in 1978, 1982 and in 1986. He served for 16 consecutive years.

In 1990, Mr. Collins retired as mayor, but remains active in public life. He received numerous awards and honors for his years of public service.

Mr. Speaker, I commend my colleague, Representative ALBIO SIRES, for introducing this legislation, and urge the swift passage of the bill.

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

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

I rise today to join my fellow Members of Congress in recognizing Dennis Collins and his extraordinary contributions to Bayonne, New Jersey. Fortunately for Bayonne, Mr. Collins missed his trip on the Titanic to visit family members back in Ireland. If it were not for this fortunate coincidence, the rest of Mr. Collins's biography most likely would not be possible.

Mr. Collins was born and raised in Bayonne, where he attended St. Vincent De Paul Grammar School and the Holy Family Academy. As a young man, he served in World War II, including time in the China-Burma-India theater of operations. Upon his return, he went to work for Tidewater Oil Company, General Motors, Edward F. Clark Real Estate and Insurance Agency, and Bayonne Water and Sewer Utility.

Ultimately, it was his interest in the community that led Mr. Collins to seek political office. In 1962, Mr. Collins was elected to his first of three terms on the municipal council, two of which he served as council president. In 1974, he was elected to serve as mayor of the City of Bayonne. His popularity in the

community was so immense that he served for the next 16 years. He currently holds the record for Bayonne as the first individual to serve seven consecutive 4-year terms in elective office and four consecutive 4-year terms as mayor.

Mr. Collins retired in 1990 as mayor, but he continues to be an active and committed leader to the citizens of Bayonne.

Mr. Collins's reputation as a public servant was forged by his compassion and interest in helping his fellow citizens. His legacy and service to others is a wonderful example to his children, grandchildren and to the citizens of Bayonne and beyond.

With gratitude for his devotion and service to the Bayonne community, it is particularly fitting that we name the United States Postal Service building located at 570 Broadway in his honor.

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

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Speaker, I rise today in support of H.R. 3307, a bill to designate the post office on Broadway in Bayonne, New Jersey, as the Dennis P. Collins Post Office. Mayor Collins is a legend in my congressional district for his long-time public service to the people of his community and the State of New Jersey.

Before entering elected public office, Mayor Collins served his country during World War II in the U.S. Army for 3 years, including time in the China-Burma and India theater of operations. In 1962, Mayor Collins won his first election to public life by serving on the Bayonne Municipal Council. He went on to serve two more terms, both as council president.

In 1974, Dennis Collins ran and won his first term as the mayor of Bayonne. Mayor Collins served in his role as mayor of Bayonne for the next 16 years before retiring in 1990.

Even though he no longer has an official position, Mayor Collins remains available to elected officials and citizens alike to advise and support.

As a former mayor in the same county as Mayor Collins, he served as a role model for me and many other mayors in the region. I always admired how Mayor Collins ran his city so efficiently, while never losing sight of the needs of his constituents. I see no better way to honor him today than by passing this bill to name this Bayonne Post Office after him so his legacy can continue in the city forever.

Mr. DUNCAN. Mr. Speaker, I simply rise to commend the gentleman from New Jersey (Mr. SIRES) for introducing this very appropriate and fitting legislation, and I urge its support by all of our colleagues.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge all of my colleagues to support H.R. 3307, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3307.

The question was taken.

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

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MICHAEL W. SCHRAGG POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3446) to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3446

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

SECTION 1. MICHAEL W. SCHRAGG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, shall be known and designated as the ''Michael W. Schragg Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H.R. 3446, which names a postal facility in Marshall, Michigan, after Michael W. Schragg.

H.R. 3446, which was introduced by Representative TIMOTHY WALBERG on August 3, 2007, was reported from the Oversight Committee on October 23, 2007, by voice vote. This measure has the support of the entire Michigan congressional delegation.

Mr. Speaker, Michael W. Schragg served as postmaster of Marshall, Michigan, for 23 years. In June 1970 he began as a substitute clerk carrier, and in May 1979 he became the postmaster of Marshall.

During Marshall's 1987 annual historic home tour, Mr. Schragg began displaying a number of old postal artifacts throughout the post office. Due to the many artifacts displayed, tourists thought the post office was a museum rather than an official working post office. He decided to develop an extensive collection of postal antiques in the basement of the post office and in an annex building. Currently, he is known for his noteworthy accomplishment in the creation of the Marshall Postal Museum. Everyone in Marshall knows Mr. Mike Schragg as the man who knows everyone's zip code by heart.

Mr. Speaker, I commend my colleague, Representative TIMOTHY WALBERG, for introducing this legislation and urge the swift passage of this bill.

I reserve the balance of my time.

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

Mr. Speaker, Michael Schragg grew up on his family's farm in Ceresco, Michigan. In 1967, he enlisted in the U.S. Army and served in Germany for 3 years. After this period, he returned to Michigan and began his career in the postal service in 1970. Within 5 years he was promoted to postmaster for the Olivet office, and in 1979 became the postmaster for Marshall, Michigan. During his tenure, the Marshall office was named the All-American Post Office.

Beyond the postal service, Mr. Schragg has always been active in his community. He is a past president of the Marshall Rotary Club and continues to serve on the Marshall Historical Society.

However, his most noteworthy accomplishment is the creation of the Marshall Postal Museum. The Marshall Postal Museum is the second largest in the U.S., behind the Smithsonian Postal Museum here in Washington, D.C. The museum is now one of the cornerstones of the immensely popular Marshall historical home tour. In fact, in 2003, the New York Times called the postal museum the town's piece de resistance. The article went on to say, ''If you think you have no interest in postal history, a tour conducted by the ebullient Mr. Schragg will change your mind.''

Beyond the New York Times, Mr. Schragg and his museum have also been featured in Michigan magazine. Mr. Schragg even drove a vintage 1931 Model A mail delivery truck in the 2001 inauguration parade.

□ 1515

Considering his devotion to preserving the past and his work to develop the future of the Postal Service, it is fitting that we name the building where he toiled for so long in his honor. This is especially true since the Marshall Postal Museum is housed in

the basement of the same Marshall Post Office.

I ask my colleagues to join me in support of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise today in support of naming the Marshall, Michigan Post Office, a prominent post office in my district, the Seventh District of Michigan, the Michael W. Schragg Post Office.

Michael's life story has been recounted to some degree by my colleagues thus far, but he is one that is beloved in his community, family, and the American postal service. Michael served as Marshall's postmaster for 23 years and was the force behind the creation of the Marshall Postal Museum, the second largest postal museum in the United States, behind only the Smithsonian, as has been represented thus far.

Michael was born in Calhoun County and raised on the family farm in Ceresco, Michigan. He attended a one-room country school, the Francisco School in Ceresco, through the seventh grade, and he then went on to graduate from Marshall High School. Michael met his wife, Loretta, while working at the Robinson's department store as he attended Kellogg Community College.

Michael enlisted in the U.S. Army Post Office in June 1967 and served in Germany for 3 years. Michael and Loretta went on to have three children, two of whom embarked on postal careers of their own.

Michael started his postal career in Marshall, Michigan, as a substitute clerk carrier and quickly earned a promotion to supervisor. The following year he became the postmaster for Olivet, Michigan, only to return to Marshall, serving as the town's postmaster for 23 years. During his tenure in Marshall, the U.S. Postal Service named the Marshall Post Office an All-American Post Office.

Michael Schragg has been active in the Marshall community throughout his lifetime. He is a past president of the Marshall Rotary Club and continues to serve on the Marshall Historical Society. Michael's most noteworthy accomplishment is the creation of the Marshall Postal Museum. It is second only to the Smithsonian Postal Museum in size and is housed in the basement of the historic Marshall Post Office.

The Marshall Post Office building, a Greek revival architectural style with copper roof, was constructed in 1932 out of Marshall sandstone. The idea for the downstairs museum occurred during Marshall's 1987 Historic Home Tour. At that time Postmaster Schragg displayed a number of old postal artifacts throughout the building, which was on the historic tour that year. Many people thought the entire post office was a museum rather than an official working U.S. Post Office. After the tour Michael began organizing the collection of postal antiques in seven rooms in the basement and in an annex building behind the post office.

The Marshall Postal Museum has since become one of the cornerstones of the annual Marshall Historic Home Tour. It was part of a New York Times article about places in America worth visiting, and Michael and the museum have also been featured in Michigan Magazine.

Michael has taken some of the museum's displays on the road and, as has been mentioned, toured numerous States. Michael drove a vintage 1931 Model A mail delivery truck in President George W. Bush's first inaugural parade in Washington, DC.

Because of Michael's countless hours of work on the Marshall Postal Museum, his years of service to the United States Postal Service in Michigan, and his dedication to the Marshall community, naming the Marshall Post Office in his honor is a fitting tribute, and I urge the House to join me in support of H.R. 3446.

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

Mr. CLAY. Mr. Speaker, I urge my colleagues to fully support H.R. 3446. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3446.

The question was taken.

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

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE FIRST RESPONDERS AND SUPPORTING THE VICTIMS OF THE SOUTHERN CALIFORNIA WILDFIRES

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 778) honoring the first responders and supporting the victims of the Southern California wildfires.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 778

Whereas beginning on October 21, 2007, Southern California experienced a number of devastating wildfires destroying over five-hundred-thousand acres—the largest in the history of California—and over fourteen-hundred homes and countless other properties;

Whereas high temperatures and erratic winds caused the multiple fires to rapidly progress in the counties of Ventura, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, and San Diego;

Whereas loss of life and serious injuries have resulted from the fires;

Whereas approximately one million residents of Southern California have been forced to evacuate their homes and businesses due to the fires;

Whereas the effect of the wildfires on Southern California families and businesses is still being felt;

Whereas thousands of firefighters from California and neighboring states and countries continue to respond to the fires, risking health and safety and exhibiting resilience and courage to rescue residents and fight the blazes;

Whereas over 2,500 National Guardsmen and other active duty military personnel are actively engaged in supporting firefighters and relief operations;

Whereas additional emergency personnel, such as law enforcement and medical personnel, have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives;

Whereas hundreds of volunteers took time from their daily lives to help ensure that evacuated families are sheltered, clothed, fed, and emotionally comforted through this traumatic event;

Whereas it is clear that the continued commitment and heroism exhibited by firefighters have saved countless lives, homes, and businesses;

Whereas the people of California and the nation recognize that the dedication of firefighters will remain steadfast throughout the ongoing efforts; and

Whereas a major Federal disaster declaration was issued on October 24, 2007; Now therefore, be it

Resolved, That the House of Representatives—(1) recognizes and honors the heroic service, actions, and sacrifices of first responders, National Guardsmen, and law enforcement personnel, state and local officials, volunteers, and others who participated in responding to the October 21, 2007 outbreak of wildfires in Southern California;

(2) expresses its commitment to the residents of Southern California as they begin to rebuild their community and their lives; and (3) vows its full support to and solidarity with the state of California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of House Resolution 778, a resolution that recognizes and honors the heroic service, actions, and sacrifices of first responders, National Guardsmen, volunteers, and others who participated in responding to the outbreak of wildfires in Southern California. House Resolution 778, which has 53 cosponsors, was

introduced by Representative ZOE LOFGREN.

Mr. Speaker, wildfires in Southern California have destroyed over 1,000 homes and scorched more than 400,000 acres. From San Diego to Malibu, hundreds of thousands were warned to leave their homes. More than 250,000 were told to flee in San Diego County alone. There were at least 18 different wildfires in Southern California.

I commend my colleague, Representative LOFGREN, for seeking to honor the first responders and to express full support to the victims of the Southern California wildfires and urge the swift passage of this resolution.

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

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

Mr. Speaker, I rise today to urge passage of this resolution honoring and recognizing the heroic efforts of the firefighters and other first responders to the fires in Southern California.

Mr. Speaker, I think we should take a moment to ponder what happens when a situation like this occurs. A disaster occurs and people appear, seemingly out of nowhere, to offer every type of help and assistance. They are organized and disciplined and effective and precise. They are heroic and swift and knowledgeable and kind.

But who are they? Who are these men and women who drive toward the disaster when the rest of us drive away? Who leaves behind his home and family for perhaps weeks on end and goes to help others? Who sets up the shelters and the medical aid stations? Who helps seniors and the infirm evacuate? Who rushes to save Los Angeles and Ventura and Orange and Riverside and Santa Barbara and San Bernardino and San Diego?

In the case of California, about 2,500 citizen soldiers, we call them National Guardsmen, have raced to the rescue. So have countless numbers of firefighters, law enforcement, and medical personnel.

We owe these people and their families a debt of gratitude. We couldn't do what they do. Thank God they can.

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

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Speaker, as Chair of the California Democratic delegation, I rise along with Speaker PELOSI, Chairman WAXMAN, and my Republican colleagues to honor the heroic services, actions, and sacrifices of our first responders, State and local officials, volunteers, and others who participated in responding to last week's devastating outbreak of wildfires in Southern California.

This was the worst outbreak of wildfires in California history. Over 500,000 acres burned, nearly 1 million residents evacuated, over 3,000 residential and commercial properties destroyed or damaged, 116 reported injuries, seven reported fatalities.

I have no doubt that the quick and valiant response of our firefighters, police officers, National Guard, and thousands of selfless volunteers saved lives and hundreds of millions of dollars. The State of California owes these brave men and women our gratitude. California and our Nation also owes a debt of gratitude to our neighbors, Canada and Mexico, for volunteering their own firefighters and equipment.

I would also like to commend the cities, counties, and State for showing great leadership and preparedness in dealing with this disaster. Leadership at the local and State government levels allowed for effective coordination with Federal agencies in the allocation of resources and making sure our residents were out of harm's way.

Because of the change in weather pattern, coupled with the extraordinary efforts of firefighters, we are now beginning to contain most of these fires and are closing the evacuation shelters. However, many families are going back to literally ruins of their former homes, lives, and communities.

I ask that all of my colleagues continue to stand with our California neighbors as they begin to rebuild their lives. The fires may be dying down, but the emotional impact and financial hardship faced by these families are only beginning.

With the leadership of Speaker PELOSI, Senators FEINSTEIN and BOXER, and Chairman DICKS, we hope to quickly move an emergency appropriations bill to help the rebuilding process for the families, cities, and counties affected by this devastating wildfire.

This resolution today, cosponsored by every single member of our 53-member-strong bipartisan delegation is, I believe, the first legislative step forward for Congress to meet the needs of California as she recovers from this disaster.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my very good friend from Tennessee (Mr. DUNCAN) for yielding me time.

I thank Mr. CLAY for his management of this measure. And I join with my colleagues, Ms. LOFGREN and the Republicans who have joined as cosponsors of this very important resolution.

A week ago at this time, Mr. Speaker, there were no fewer than 14 major fires with hundreds of thousands of acres on fire in Southern California. As we know, nearly 2,000 homes were destroyed in those fires and we went through a number of very, very challenging days through last week. And while we still have fires raging, we have had a great deal of success. We have had a great deal of success in the aftermath of these fires due to the stellar leadership provided by Governor Schwarzenegger; by President Bush; and our Secretary of Homeland Security, Michael Chertoff; the Director of the Federal Emergency Management Agency, David Paulison; and a wide range of other local governments involved. And I have to say the leadership of our congressional delegation has really been a great example.

We are joined on the floor here by my friend from San Diego (Mr. BILBRAY) whose district was impacted. And last Thursday I had the privilege of traveling with our colleagues, Senator FEINSTEIN, and I see Congressman FILNER is here as well from San Diego, and others who joined with the members of the San Diego delegation who were there to have the chance to see firsthand the devastation that was caused by these fires.

BRIAN BILBRAY is someone who has, time and time again, stepped up to the plate to deal with challenges that he has faced in the San Diego area, and what we saw last Thursday was another example. He was able to take the Governor of California and the President of the United States to meet individually with those who had been victimized by the fires and for all of us to join with Mr. FILNER and Mrs. DAVIS and Mr. ISSA and Mr. HUNTER in talking to those firefighters who have come from all over, not just the State of California but from around the country.

□ 1530

Now, Mr. Speaker, the State of California is the State that is best equipped to deal with the disaster of fires. And I say that because California has this very unique structure known as a Unified Command. Now, what that consists of is, rather than having these disparate firefighting organizations come into an area and take on the issue of dealing with fire, the Unified Command means that the highest ranking fire official, the fire chief in a particular area that knows that county, with the canyons and the valleys and the challenges geographically that they face, is there to provide the direction and the leadership. And that is the reason, Mr. Speaker, that we have had such success within the past week in dealing with what was described by a 36-year veteran battalion chief from San Diego as the worst fire that he has ever seen in California's history.

I also want to say that I express appreciation to our colleagues from all across the country. We have, again, firefighters who came from around California and around the country; and I know it was in large part due to the encouragement that our bipartisan Congress, that Members on both sides of the aisle of the Congress, from both the House and the Senate, have provided in encouraging these courageous firefighters to come forward and provide the assistance necessary.

There are going to be challenging days ahead, as my colleague, Ms. LOFGREN, said, Mr. Speaker. We obviously are going to have to deal with

continued fighting of the fires and also rebuilding. And there also will be, I believe, a very important debate as we look at the days and weeks and months ahead, and I'm talking about the challenge we face in dealing with disasters.

We know that fire is just one of the multifarious disasters that we deal with in California. There are disasters that hit other parts of the country. I think we need to have a debate on the role that the Federal Government plays in dealing with these disasters. I have talked with a number of people who are interested in now getting involved, the Center for Strategic International Studies, John Hamre there, I've talked to Director Paulison about this.

We have, again, a great deal of work, but at this time, this resolution is designed to focus on the fires in California and express our appreciation for the support that has been provided, and also our thoughts and prayers for those who have been victimized by this.

So, Mr. Speaker, I thank my friend for yielding, and I thank all those who have been involved in supporting this resolution.

Mr. CLAY. Mr. Speaker, at this time I would like to yield 3 minutes to my friend from California (Mr. BACA).

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

Mr. BACA. First of all, I would like to thank Mr. CLAY in reference to H.R. 778. I would also like to thank my good friend ZOE LOFGREN for her work with the California delegation and her leadership in bringing this resolution to the floor in a bipartisan fashion. And I state ''in a bipartisan fashion'' because it impacts the whole State of California.

Last week's disaster was a painful time for all of us in the communities of Southern California. Recent estimates show that the fire destroyed over 2,800 structures, including over 2,000 homes. And the fires also destroyed more than 500 acres of land in an area that doubles the size of New York City.

Seven people were killed, 113 firefighters and 26 civilians were injured, and I state, 113 firefighters and 26 civilians were injured. These are people that were willing to fight the fires to save not only their own, but to save the lives of many individuals who were impacted.

This past weekend, I had a chance to see the devastation firsthand and visit with many of our evacuees in the shelter included in my district, with a total of 4,000 that we evacuated into the district at the Orange County Fairgrounds in my area. And while we can never really understand the losses suffered by so many, we share their pain. We share their pain.

We stand together today united as one House first and foremost to say thank you for the heroic actions and sacrifices of the first responders. And I say ''the first responders,'' the firefighters who are willing to put themselves on the line to save many others, law enforcement officers, the National Guard, and many of the volunteers.

We also stand here to say to the people of Southern California, we are with you. We are committed to rebuilding our homes and communities in California and rebuilding the lives of those who have lost so much. Our first priority right now is to make sure that everyone is housed, clothed and fed, and after that we will begin to rebuild. But once the smoke is cleared, we will work towards a long-term solution to do everything we can to prevent disasters like this from ever happening again.

We have to take a realistic look at the situation. All data indicates that the fires nationwide are increasing in size and intensity. Those of us in Congress must respond to these warnings. Our planet is changing; we must acknowledge that. We need to meet the new challenges we are facing. We need to better fund our firefighters and our Forest Service. And we have to take a serious look at where we build our developments.

We must do everything in our power to prevent destruction of life, property, and our environment. Let us take the time to reflect on what we have lost. And we thank God, and I say we thank God for what we still have. Let us say thanks to those heroes who pulled us through this horrible week. Let all those who have lost a home or a loved one know that we stand with you.

I urge my colleagues to support this resolution.

Mr. DUNCAN. Mr. Speaker, I yield 3 minutes to the gentleman from Imperial Beach, California, my friend, Mr. BILBRAY.

Mr. BILBRAY. I thank the gentleman. It's Solano Beach, California. I know one beach is like the other. I was raised in one, but live in Carlsbad. But I would just like to clarify.

This resolution is recognizing the men and women who were fighting on the front line. And I think there are two big advantages we had in San Diego. San Diego County lost over 1,500 homes. Many of those homes could have been saved under all kinds of different theories. But the fact is we had one great advantage that we did not lose more. And it was not just the men and women who were fighting on the line that you saw on television, but it was the men and women who serve in a very unique California experience called the Unified Disaster Council, where San Diego County itself houses the chairman of the county, and every mayor, police chief and fire chief in a system of networks, with a common communications system, with a common planning system toward the local providers who were able to provide the base and the foundation for State and Federal agencies to come in and build upon. And that was essential.

And if there was any lesson that I would hope the people of the United States would take from our tragedy that we had in our county was that preparedness starts at the local level, and that you can never expect a State or Federal agency to replace the needed foundation and the networking that you have at the local level.

So get your act together locally, communicate and build a system, because a crisis in one way or the other is coming your way. And San Diego, I was very proud, as the former chairman of the Disaster Preparedness Council, I was proud to see how far they have come along and how well they are organized.

A lot of people may not know that a lot of the great savings we had, when the fires were moving towards my home in Carlsbad, my mother got the call over her phone through a thing called ''Reverse 911'' that notified her that she was in a warning area, needed to pack up and be ready to leave at a moment's notice. She was assured that if her area was becoming a danger zone, she would be notified by the same phone communication that had told her to prepare for that. This is the kind of local networks that we need to continue to build, not just in California, where we have historically done it through the county system, but throughout this Nation.

I would ask, Mr. Speaker, that we also recognize that this infrastructure gave our men and women, the firefighters not just from San Diego County or Southern California, but from the entire State, from the north down to the south, gave us the capability to respond to this crisis in a way that I think those of us in California should be very proud of.

The crisis has not passed totally; we still have threats out there. But the fact is I think we can build on building better communication between the Federal, State and local community. But the foundation has been set. And I would invite anyone who is interested in preparing their community for their crisis to try to learn from our mistakes and our successes in California and San Diego so that we can all build for a safer neighborhood. And when we do that preparation, we not only make ourselves safer, we protect those men and women that are firefighters to avoid their exposure to risk by us doing the right thing ahead of the fires.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. Davis).

Mrs. DAVIS of California. Mr. Speaker, Kurt Vonnegut once said, ''I can think of no more stirring symbol of man's humanity to man than a fire engine,'' and I agree. Last week, my district in San Diego bore witness to extraordinary displays of humanity and resiliency as wildfires swept through our region.

We owe a debt of gratitude to the firefighters, National Guard and military personnel who fought and continue to fight the fires on the ground and in the air. Some of them lost their homes, others were seriously injured,

and all made enormous sacrifices to ensure public safety.

The firefighters with whom I spoke, it has been mentioned that they came from throughout the State and beyond, said Mother Nature outdid them on this one, but they do not feel defeated, and instead they were anxious to get back to work performing their job.

In addition, I think it bears repeating that San Diego County and City leadership should be commended for coordinating a quick and effective response. And I agree, San Diego region should be used as a model for the country. There is much that we have learned and much that we can also teach.

Last week, firefighters caused the largest evacuation in California's history. As residents fled the fires, volunteers from all walks of life came forward to help the evacuees. I saw such a tremendous outpouring of compassion and support at the evacuation centers. San Diegans rolled up their sleeves and found a way to help their neighbors during this crisis.

At Qualcomm Stadium, I spoke to a volunteer who is a professional tour guide. He realized he could put his organizational skills and strong voice to work at the relief center. The coordinators at the stadium agreed and assigned him to training volunteers.

I also saw staff from the City's Park and Rec Department organizing entertainment for children and families, volunteers passing out food, and even massage therapists helping evacuees to relax.

Although the majority of fires are now under control and many residents have left the evacuation centers, the San Diego region faces a lot of hard work in the months ahead. Our prayers go out to the many families who lost their homes.

As the shock and heartbreaks subside, we must do everything in our power to ensure that full recovery is within sight as soon as possible. And as we think ahead, Mr. Speaker, to the precarious nature that we are in and the inevitability of future massive fires, we must also engage in the most serious discussions of lessons learned.

I support House Resolution 778.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ISSA), a member of the committee.

Mr. ISSA. I thank the gentleman.

Mr. Speaker, this resolution is an excellent example of bipartisan behavior in the drafting. It reflects quite well what we went through in California last week. Particularly, I take note of the fact that this was the largest fire because it had the most fuel. This is one of the challenges we face in California. We have hundreds of thousands of acres that may not have been cleared or burned in more than three decades. That continues to be a challenge. And this body has to take some initiative to correct that. We need to have the ability to clear areas before they burn. But even if we do, there will be fires.

I would hope for many of the people that hear us today and read the RECORD of today's Journal that they will recognize that some of the information that perhaps was put out was incorrect over the airwaves. Many people talked in terms of too many people too close to wilderness.

When the President visited Congressman BILBRAY and my district, Rancho Bernardo, which is at the heart of our two districts, Rancho Bernardo is a suburban, ''Leave It to Beaver'' community. This is an area with an interstate on both sides of it. The fire went on both sides of a 10-lane interstate. It jumped it because 80-mile-an-hour winds will do that. We didn't create that in California; California had that when we arrived.

On the hilltops, firefighters were looking at just ordinary backyards, sometimes hillsides, but ordinary backyards of half-acre, acre lots, or less, and in fact trying to save the houses on them.

So, I would hope that people throughout the country, when they try to characterize what went on in California, would take an opportunity to meet with somebody from the districts in California, Congressman FILNER, Congressman BILBRAY, myself, and others, because we saw firsthand that firefighters had residential fires from 80-mile-an-hour-, 100-degree-driven firestorms.

□ 1545

Additionally, I would like to bring up something that may not often cross the awareness of the men and women around the country who know about this fire, and that is we not only executed in San Diego County all of the plays that were in the playbook, all of the things which were written on how to fight a fire well from Malibu to the Mexican border, but additionally we wrote some new chapters.

I am very proud that the United States Marines of Camp Pendleton and the Marine Corps Air Station at Miramar joined the fight for the first time beyond those who were part of the plan. We were able to mobilize, on any given day, as many as eight additional aircraft which had never been designated to fight fires off the base. They were made available due to the initiative of the Northern Command and of Major General Lehnert and others in the chain of command who said, We have the ability to fight fire. We fight them on our bases every day. We will bring those to bear.

With cooperation from the department called CAL FIRE in California and the Governor's office, that was made to happen in less than 48 hours. So when the book is written on the evacuation and on the fighting of the fire in Southern California, yes, it was devastating for over 5,000 families that lost homes, that lost commercial buildings, that lost trailers or that, in fact, lost their farms and ranches, but, in fact, this was a well-fought fire in which the people of San Diego came together to do the right thing.

I am very proud of the people of San Diego and all of Southern California. I am also very thankful for the United States Marine Corps and the other first responders who made such a difference in our time of need. I thank you for this resolution, and I support and encourage all those to vote for it.

Mr. CLAY. Mr. Speaker, I now yield 1 minute to the gentlewoman from California, Madam Speaker.

Ms. PELOSI. I thank the gentleman for yielding and for bringing this legislation to the floor. I want to commend the cochairs of our delegation, Congresswoman ZOE LOFGREN and Congressman DAVID DREIER, both from California, being the cochairs of our delegation, and all of our colleagues who come to the floor today and join us in expressing our appreciation to our men and women in uniform, our first responders, emergency services personnel, and our firefighters who conducted themselves in such a brave, brave and tireless manner to protect the people and the homes and businesses of California.

Today, we thank God that the winds have finally died down and our brave first responders were able to contain the largest fire in the Golden State's history. As I said, our first responders, our firefighters, were courageous and tireless. More than 11,000 personnel, including thousands of firefighters from across California and neighboring States, and thank you to our neighboring States for their participation, and 2,500 of our brave National Guardsmen and -women worked through long days and nights to battle the dangerous flames.

In doing so, as I said, they saved lives, homes and businesses. For that, we will be forever grateful.

Today in California, five fires still burn. As these fires are quenched, the hard work of restoring the regular order of residents' lives begins. We can now begin the accounting of our staggering losses: seven dead and more than 100 injured; 500,000 acres burned; 1 million residents forced to evacuate; 1,400 homes destroyed across seven counties.

But as the victims of the fire know, the tragedy can't be expressed in those numbers. It is in the lost baby photos and treasured mementos gone forever. It is in the fear of knowing that in an instant life can take a tragic turn.

I salute Governor Schwarzenegger and the Governor's Office of Emergency Services for their efforts and leadership in protecting the people in the area and containing the fires.

I am very pleased that President Bush responded to the request of the Governor and the California bipartisan delegation in declaring what was happening in California as a major disaster.

Today, we vow that our response to this fire will not end once those flames

are extinguished. The California congressional delegation will work in a bipartisan way with the entire Congress, with the Governor and the President to ensure short-term and long-term needs are met.

To those who have suffered personal losses, whether it's the loss of a loved one, personal injury, loss of their homes and their communities, as Speaker of the House, I extend the deepest sympathy and the fullest support of the House of Representatives. We stand with you today and in the days of rebuilding to come.

Once again, I acknowledge the leadership of Mr. CLAY and Mr. DUNCAN and thank them for giving us this opportunity to express our appreciation to our firefighters and our first responders in California.

Thank you very much, gentlemen. Thank you, Mr. Speaker.

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

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. I thank the gentleman for yielding.

Mr. Speaker, I represent the southern part of the City of San Diego where we had thousands of evacuees, hundreds of homes lost, a really terrifying situation for many people. Of course, getting back on their feet will be a major, major challenge. But what we saw, as we have heard from my colleagues, is cooperation, cooperation from all levels of government, from the cities, the fire districts, county, State, Federal, and also international, which no one has mentioned up to this point. I watched as 60 firefighters, bomberos as we call them, from Tijuana, in Mexico, came to help and were a part of the team as we fought the Harris fire in southern San Diego. I think that was a very important contribution.

I had the opportunity to talk to the President as we flew to the fires. He understood that he needed to be visible very early, which was very hopeful, and that FEMA had to be proactive and not just reactive. The blue shirts of FEMA were on the job and visible everywhere, and their local assistance centers were set up very much earlier than in any previous disaster, I think. And that gave hope to many people. Those assistance centers, again, before even many of the evacuees had been allowed to return home were there and helping people.

We saw the hope on people's faces as they saw this cooperation in getting help from everywhere. And although they face a very difficult time, they do have hope. It was the volunteers, of course, our firefighters and our officers, police officers and other first responders, but the volunteers came from all over. Some of them had evacuated their own homes. Some of them lost their own homes. Teachers and others were there to help the children while away the time and even learn while they were there, people who brought food, people who brought clothing and psychological help, massages and medical help. So all of these people were involved. It was an incredible sight to behold as we went to Qualcomm Stadium or any of the evacuation centers around the county. You saw everybody pitching in. It was that coming together in San Diego that will give hope to the people who face challenges in the future and that got us through this very terrifying time.

I thank the House for this resolution in support of the people of California.

Mr. DUNCAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from Missouri for yielding.

As a representative of areas affected by the recent wildfires and a cosponsor of H. Res. 778, I rise in its strong support. Over the last 10 days, wildfires have devastated much of Southern California. Hundreds of thousands of acres have been burned. Thousands of homes and businesses have been destroyed.

While this tragedy has faded from the Nation's headlines, thousands of our first responders, military personnel, volunteers continue to battle the fires and to aid in the recovery effort. Today we commend these amazing individuals. Thousands of firefighters from throughout California and across the Nation put their lives on the line to protect our communities. They battled out-of-control flames fanned by restless hurricane-force winds, and they fought tirelessly for 12, 24, even 36 hours straight.

In addition, countless police officers and military personnel and other first responders successfully executed the largest evacuation in California's history. Tens of thousands of evacuees were sheltered with ample food, supplies, and facilities. Thousands of generous individuals have given their time, their money, their resources to help victims of this tragedy to get back on their feet.

Mr. Speaker, California is sadly all too familiar with wildfires. My district includes parts of San Luis Obispo, Santa Barbara and Ventura Counties, each of which experience wildfires almost annually. The most recent was Zaca fire which burned more than 240,000 acres of these three counties and lasted almost 3 months.

I am proud to say from firsthand experience that California's emergency preparedness systems and procedures are among the best in the Nation, I would say in the world. As the wildfires grew in size and numbers, the Governor's Office of Emergency Services was able to coordinate and allocate resources to the areas that needed them most, regardless of jurisdiction. Local firefighters from San Diego battled flames along with colleagues from Nevada, while planes from Wyoming and Colorado filled their tanks at Channel Islands Air National Guard Station just outside my district.

If it were not for this organized and swift effort, many more acres, homes, and lives would have been lost. Mr. Speaker, as we move forward, I hope we can learn from this experience to help prevent such a tragedy from repeating itself in the future. And to the countless men and women who helped in this tragedy, we commend you and we thank you for your heroic efforts.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from California (Mr. HUNTER), who represents some of the City of San Diego and much of San Diego County.

Mr. HUNTER. Mr. Speaker, I want to thank my great colleague for yielding me some time and just follow my colleagues to again commend all of those who helped to take on this incredible challenge and to defeat this fire. Even though it destroyed lots of sagebrush land and lots of back country and homes and buildings and took some lives, we had a well-coordinated effort.

Let me just point out also that I know Mr. ISSA talked about the United States Marines and the United States Navy especially in the San Diego region working hand in hand with State and local firefighting officials and volunteers and the crews and especially in the area of the air war against the fire undertaking this challenge and doing very, very well.

At the other level, at the level of bringing in assets from out of the State, I think we should also commend General Steven Blum, who is head of the National Guard for this country. And even before he received the request from the State of California, even though the request had been initiated by Governor Schwarzenegger, it goes through a number of bureaus and agencies before it actually gets to the unit that is going to send the particular firefighting aircraft to the location where it is going to engage the fire.

Before he received the request from the State of California, General Steven Blum deployed aircraft and put out the deployment order for aircraft from Colorado, Wyoming and North Carolina. These are the so-called MAFFS units, C–130 units that have the ability to put down about 3,000 gallons of fire retardant per aircraft. They can pave an area a quarter of a mile wide. They do an extremely effective job of fighting fires.

General Blum ordered those aircraft deployed to California before he had the order to deploy them. Before he had the request, he said, I am going to send them out as a training mission, and by the time they get there, the paperwork will catch up with them.

So I think we all owe him a debt, and all those wonderful crews that came in from Wyoming, North Carolina and Colorado, as well as all the other crews in various other dimensions of the firefighting who arrived from out of State.

So, Mr. Speaker, this was a wonderful team effort, I think perhaps a model for the country. We have a few rough edges to work on for the next one, a few reforms to make, and we are going to do that. But we had a wonderful, wonderful taking up of this enormous challenge. Our challenge now is to rebuild; and, similarly, we will all work together as a team to do that. I thank the gentleman for yielding.

□ 1600

Mr. CLAY. Mr. Speaker, I reserve my time.

Mr. DUNCAN. Mr. Speaker, I have no further speakers, so I will simply close for our side by saying these were fires and evacuations of historic proportions. They were handled in absolutely the best way possible, and I commend everyone involved in responding to these disasters and urge passage of this resolution. I think it is something that all of our colleagues can enthusiastically support.

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

Mr. CLAY. Mr. Speaker, I ask my colleagues to unanimously support this resolution and show full support to the victims of these wildfires, the people of Southern California. I urge swift passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 778.

The question was taken.

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

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING ANNIVERSARIES OF MASS MOVEMENT FOR SOVIET JEWISH FREEDOM AND FREEDOM SUNDAY RALLY FOR SOVIET JEWRY

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 759) recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, DC.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 759

Whereas, in 1964, the American Jewish Conference on Soviet Jewry (AJCSJ) was founded to spearhead a national campaign on behalf of Soviet Jewry;

Whereas, in 1964, the Student Struggle for Soviet Jewry was founded to demand freedom for Soviet Jewry;

Whereas, in 1964, thousands of college students rallied on behalf of Soviet Jewry in front of the United Nations;

Whereas Israel's victory in the 1967 Six-Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate;

Whereas, in 1967, Soviets launched an anti-Zionist propaganda campaign in the state-controlled mass media, and a crackdown on Jewish autonomy, galvanizing a mass advocacy movement in the United States;

Whereas, in 1970, the Union of Councils for Soviet Jewry was founded as a coalition of local grass-roots ''action'' councils supporting freedom for Jews of the Soviet Union;

Whereas, in 1971, the severe sentences, including death, meted out to nine Leningrad Jews who attempted to hijack a plane to flee the Soviet Union spurred worldwide protests;

Whereas, in 1971, the National Conference on Soviet Jewry (NCSJ) succeeded the AJCSJ;

Whereas, in 1971, mass emigration of Jews from the Soviet Union began;

Whereas, in 1975, President Gerald R. Ford signed into law the Jackson-Vanik Amendment to the Trade Act of 1974, prohibiting the extension of trade benefits to countries that limit emigration, and otherwise infringe basic human rights;

Whereas, in 1978, the Congressional Wives for Soviet Jewry was founded;

Whereas, in 1982, President Ronald Reagan enacted Public Law 97–157, expressing the sense of the Congress that the Soviet Union should cease its repressive actions against those individuals who seek the freedom to emigrate or to practice their religious or cultural traditions, drawing special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union;

Whereas, in 1983, the bipartisan Congressional Human Rights Caucus was founded to advance the cause of human rights;

Whereas, in 1984, the Congressional Coalition for Soviet Jews was founded;

Whereas, in 1987, an estimated 250,000 people demonstrated on the Mall in Washington before the start of the Reagan-Gorbachev summit, in an unprecedented rally that helped give the issue added visibility on the national scene;

Whereas, in 1989, the Soviet Union opened its doors to the millions of Soviet Jews who had been held as virtual prisoners within their own country;

Whereas, in 1991, the Supreme Soviet passed a law that codified the right of every Soviet citizen to emigrate, precipitating massive emigration by Jews from the Soviet Union, primarily to Israel and the United States;

Whereas the hundreds of thousands of immigrants from the Soviet Union and former Soviet republics have greatly enriched their new-found homes in areas as diverse as business, professional sports, the arts, politics, and philanthropy;

Whereas, in 1992, Congress passed the Freedom Support Act, making aid for the fifteen former Soviet republics contingent on progress towards the implementation of a democratic system, and respect for human rights;

Whereas, since 2000, more than 400 independent Jewish cultural organizations and 30 Jewish day schools have been established in the former Soviet Union, giving rise to a renewal of Jewish life;

Whereas NCSJ and its partners have performed exceptionally by continually promoting the safety and security of Jews in the former Soviet Union;

Whereas continued acts of anti-Semitism and xenophobia in the former Soviet Union are reprehensible and respect for democracy, religious freedom, and human rights in the former Soviet republics needs promotion and strengthening; and

Whereas it is the 40th anniversary of the mass movement for freedom by and on behalf of Soviet Jewry: Now, therefore, be it

Resolved, That Congress recognizes the 20th anniversary of the Freedom Sunday Rally for Soviet Jews in Washington, DC, which embodies the American principle of citizen activism for the greater good.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Res. 759, a bill that recognizes the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C. H. Res. 759, which has 57 cosponsors, was introduced by Representative HENRY WAXMAN on October 18, 2007. House Resolution 759 was reported from the Oversight Committee on October 23, 2007, by voice vote.

Mr. Speaker, the former Soviet Union today has the third-largest Jewish community in the world. During the 17th and 18th centuries, the Russian Empire was home to the world's largest Jewish community. In the late 19th century, over 5 million Jews lived as a persecuted minority in Czarist Russia. This indifference towards Jews continued throughout the 20th century under the leadership of Secretary General Joseph Stalin and Prime Minister Nikita Khrushchev of the Soviet Union.

In the mid-1960s, Prime Minister Alexei Kosygin was reported to have said ''the road is open and no problem exists'' for Soviet Jews who might want to leave for Israel. This remark sparked an increase in the efforts of Jews to leave the Soviet Union and helped initiate international efforts to facilitate their mass movement from Soviet Russia.

In 1967, in response to earlier Soviet Jewry advocacy efforts, Russian authorities allowed some Jewish citizens to leave for family reunification in Israel. Due to the lack of diplomatic relations between Israel and the Soviet Union, most emigres traveled to Vienna where Israeli authorities flew them to Israel. By March 1976, the majority of emigres who left on visas for Israel chose to resettle in the United States and other Western countries.

Mr. Speaker, I commend my colleague Representative WAXMAN for seeking to recognize the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C., and urge the swift passage of this bill.

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

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

Mr. Speaker, I rise today to join my fellow Members of Congress in recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C.

As with many other peoples of faith, Jews suffered under the oppressive yoke of communism in the Soviet Union. Their struggles inspired American Jews to establish the American Jewish Conference on Soviet Jewry and the Student Struggle for Soviet Jewry in 1964 in order to campaign on behalf of their fellow Soviet brethren.

After the Six-Day War in 1967, the Soviets intensified the persecution of the Jewish community through state-controlled media and by reducing Jewish autonomy. Soon a mass exodus, a mass emigration of Jews from the Soviet Union began. These developments helped to galvanize the advocacy movement within the U.S.

Over the following years, this mass advocacy movement helped spur the U.S. Government to achieve much. Perhaps most notably, in 1975 President Ford signed into law the Jackson-Vanik Amendment to the Trade Act of 1974. This amendment prohibited the extension of trade benefits to countries that limited immigration and otherwise infringed human rights. It was drafted specifically with the plight of Soviet Jews in mind. Later, President Reagan signed a law drawing attention to the hardships imposed on the Jewish community of the Soviet Union.

In 1987, an estimated 250,000 people demonstrated on the Mall before a Reagan-Gorbachev summit. This rally increased the issue's national visibility. Partly due to these efforts, the Soviet Union finally opened the doors of emigration to its Jewish population in 1989. Two years later, the Soviet Government codified the right of every Soviet citizen to emigrate, prompting massive flows of Jews to Israel and to the United States.

This serves as an example of the great American tradition of citizen involvement for the greater good. I ask my colleagues to join me in support of this resolution.

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

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, 20 years ago, on December 7, 1987, there were 250,000 people gathered in Washington, D.C., to rally for the plight of Soviet Jews. I vividly remember participating in that rally, which took place on the eve of the Reagan-Gorbachev summit. It was a major turning point that helped compel the Soviet Union to open its doors for the millions of Soviet Jewish emigres who had been held as virtual prisoners within their own country.

I think back to congressional delegations to the Soviet Union where I met with Jewish refusniks who were suffering under communist repression. These brave dissidents were blacklisted from their jobs, socially ostracized and, in some cases, jailed, only because of their desire to practice their religion and live in freedom.

I remember meeting with young couples in and around Moscow who called us their lifeline. They were so desperate about their circumstances. They said our visits gave them hope that they were not forgotten, that they would one day be free.

When the Iron Curtain fell, many of these families came to the United States to live the American Dream of religious liberty and personal freedom. Over 1 million more resettled in Israel. The historic human rights campaign to free Soviet Jewry was built on decades of activism. Launched in the 1960s by groups like the American Jewish Conference on Soviet Jewry and the Student Struggle for Soviet Jewry, it galvanized human rights leaders around the United States and the world. The movement helped build the momentum for the adoption of the Helsinki Accords and the passage of the Jackson-Vanik Amendment, which, for the first time, linked trade policy and human rights.

Here in Congress, we founded the Congressional Coalition for Soviet Jews, and my wife Janet helped organize and found the Congressional Wives for Soviet Jewry. Other organizations, like the National Conference on Soviet Jewry and the Union of Councils for Soviet Jewry are still at work today fighting anti-Semitism and safeguarding the religious freedom of Jews in Russia and other parts of the former Soviet Union.

Today, we celebrate the 20th anniversary of the Freedom Rally with pride in the history and accomplishments of the effort to free Soviet Jews. Let it serve as a lasting reminder that we have an obligation to sustain the fight against political and religious repression wherever it exists.

Mr. Speaker, I urge support for this resolution.

Mr. DUNCAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding and for his leadership on this important issue.

Mr. Speaker, I rise in support of this resolution and in support of the human rights movements worldwide. This movement for Soviet Jewry demonstrated that a small group of people who are dedicated and committed to principle can make an enormous difference, not only in their home countries but throughout the world.

Just this past weekend, I attended a meeting in Philadelphia where Natan Sharansky spoke. Sharansky has been a hero to so many of us in the United States in his struggle for freedom from Soviet oppression. He and his fellow refusniks embody the spirit of determination and unbelievable courage to stand up for human rights and freedom and demand that Soviet Jews be able to leave the Soviet Union and immigrate to Israel or the United States or other countries of their choice.

Sharansky told us the movement for Soviet Jewry not only freed him and other refusniks, but that it set in motion the process that ultimately brought down the Soviet Union. By demanding human rights for some, we hastened the demise of one of the most repressive, most dictatorial regimes in history.

This movement demonstrated that human rights questions do not exist in a vacuum separate from larger questions of global politics or trade. We have a tremendous capacity to be global leaders by tying questions of human rights to other issues that we deal with in the international arena, whether in trade or the environment or immigration policy. While we do business with other countries, we should not, we must not, turn a blind eye to human rights abuses. It is as true today as it was 40 years ago.

While human rights are trampled on in so many parts of the world, from Darfur, North Korea, to the Arab world, we look to the movement for Soviet Jews as a shining example of how we as a country can succeed in bringing human rights issues to light through citizen activism for the greater good.

Mr. Speaker, when I was in Philadelphia listening to Natan Sharansky, they showed films of the March on Washington for Soviet Jewry, and it put me in mind of the fact that Members like Mr. WAXMAN who were here 20 years ago were in the forefront of this fight.

As a point of personal privilege, the next speaker on our side of the aisle, Mr. ELIOT ENGEL, Congressman from New York, before he was a Member of Congress, he was on that stage fighting for the basic human rights and dignity of Soviet Jews and human rights worldwide, as was our very good friend JERRY NADLER.

Mr. Speaker, with that, I yield back, and I thank the gentleman once again for bringing this to the floor of the House for a vote.

Mr. DUNCAN. Mr. Speaker, we have no other speakers on this side, so I will simply urge support for this resolution and yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend from Missouri, and I rise in strong support of H. Res. 759, which recognizes the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C.

The gentlewoman from Nevada (Ms. BERKLEY) is so right when she says that these rallies inspired the cause of human rights all over the world. And as we fight for human rights all over the world, we must continue to fight for human rights wherever bad things raise their ugly heads.

□ 1615

For decades, Jews in the Soviet Union faced serious restrictions on their right to practice their faith. In response, a campaign developed in the United States and around the world to pressure the Soviets to end the abuses and permit their Jewish population to emigrate. In 1964, the American Jewish Conference on Soviet Jewry was founded to spearhead a national campaign on behalf of Soviet Jewry. Israel's victory in the 1967 6–Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate to Israel and other places, but the Soviets followed with an anti-Zionist propaganda campaign in the state-controlled mass media and a crackdown on Jewish autonomy.

A key event in the campaign to free the Soviet Jews occurred in 1982 when President Reagan enacted Public Law 97–157, expressing the sense of the Congress that the Soviet Union should cease its repressive actions against those individuals who seek the freedom to emigrate or to practice their religious or cultural traditions. This law drew special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union.

After so many years of captivity, the Supreme Soviet passed a law in 1991 that codified the right of every Soviet citizen to emigrate, precipitating massive emigration by Jews from the Soviet Union, primarily to Israel and the United States. The hundreds of thousands of immigrants from the Soviet Union and former Soviet republics have greatly enriched their new-found homes in areas as diverse as business, science, the arts, politics, and philanthropy.

As Ms. BERKLEY mentioned, I was proud to be part of the effort to liberate the Jews of the Soviet Union and remember the historic Freedom Sunday Rally for Soviet Jews in Washington, DC 20 years ago before I was a Member of Congress. I remember meeting Natan, then Anatoly Sharansky, at the gathering of approximately 250,000 people prior to the start of the Reagan-Gorbachev summit. This event helped increase the awareness of the plight of Soviet Jews throughout the world. Earlier, I demonstrated in front of the Soviet mission to the U.N. in New York in an effort to demonstrate how deeply I felt about religious freedom and the right of the Jews of the Soviet Union to emigrate.

In conclusion, I urge my colleagues to support H. Res. 759 and remember the campaign to liberate the Jews of the former Soviet Union. And, again, may we have many, many more resolutions like this to help all oppressed people all over the world.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H. Res. 759, introduced by the gentleman from California (Mr. WAXMAN), marking the 40th anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th anniversary of the Freedom Sunday Rally for Soviet Jewry on the National Mall in Washington, DC.

Mr. Speaker, in 1967 the plight of Soviet Jews was severe and largely unknown to the outside world. State-sponsored anti-Zionism and a widespread culture of anti-Semitism made daily life difficult for the millions of Jews living in the Soviet Union. Worst of all, these Jews had no right to leave the country for more welcoming parts of the world, namely, Israel and the United States.

Mr. Speaker, in answer to this reality, 1967 saw the rise of an organized movement to rescue the Soviet Jews, the Mass Movement for Soviet Jewish Freedom. Looking back 40 years later, we can all chart the profound success of that movement which lifted hundreds of thousands of people out of persecution and poverty and into freedom. Beginning in 1971, this movement made possible the mass exodus of Soviet Jews from the Soviet Union to the shores of Israel, the United States and elsewhere.

Mr. Speaker, I am gratified to represent the largest community of former Soviet emigres in the United States, and I have the great fortune of knowing many of those leaders and entrepreneurs who owe their livelihoods and freedom to the success of that movement organized in 1967.

The former Soviet Jewish community of Brooklyn, New York, from Ukraine, Belarus, Russia, Uzbekistan and elsewhere has returned the humanity and kindness shown to them years before in their new capacity as industrious, law-abiding, and dynamic members of American society. In neighborhoods like Brighton Beach, Coney Island and Bensonhurst, you can witness every day how hard they have worked in order to secure happiness for their families and how they strive to give back to the Nation that rescued them from persecution.

Mr. Speaker, no discussion of this movement of Soviet Jews would be complete without mention of Jacob Birnbaum, an exceptional leader and human being who worked night and day to bring this issue to the forefront of our minds so many years ago. Earlier this year, I was very proud to introduce a resolution honoring Mr. Birnbaum, and I am pleased that Congress passed it, thereby bringing official recognition to a leader who made an incalculable difference for the lives of many thousands of Soviet Jews and others throughout the world.

In addition to the courageous work of Mr. Birnbaum, tribute ought to be paid to the other pioneers and national organizations who fought so strenuously for the liberation of Soviet Jews, people like Malcolm Hoenlein who is now executive vice president of the Conference of Presidents of American Jewish Organizations but who pioneered much of the work in the Soviet Jewish movement.

I am pleased today to join with my colleagues to mark the accomplishments of the Soviet Jewry movement and to celebrate the 20th anniversary of the Freedom Sunday Rally for Soviet Jews and the 40th anniversary of the founding of the movement to free Soviet Jews. I am proud to have been part of this movement beginning in the late 1960s in many marches and demonstrations and picketings of the Soviet embassy. I was here on the Mall 20 years ago.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. CLAY. Mr. Speaker, at this time we have no additional speakers. I urge my colleagues also to support the 40th anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th anniversary of the Freedom Sunday Rally for Soviet Jewry by unanimously adopting this resolution.

Mr. WEXLER. Mr. Speaker, I rise today to recognize the 40th anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall here in Washington. This mass advocacy movement formed following the anti-Zionist campaign launched by the Soviet government in 1967 and worked tirelessly for over two decades to gain Soviet Jews the freedom to emigrate from the Soviet Union, where they had been held as virtual prisoners since World War II.

In 1987, on the eve of the Reagan-Gorbachev summit, more than 250,000 people gathered in Washington to rally for the plight of Soviet Jews. This event was a major turning point in compelling the soviet government to open its doors for millions of Soviet Jewish émigrés who were being held prisoner in their own country. Finally in 1991, the Supreme Soviet passed a law codifying the right of every Soviet citizen to emigrate, leading to a massive emigration by Jews from the Soviet Union, mostly to Israel and the United States.

As a sponsor of House Resolution 759, I want to recognize these two anniversaries and praise the efforts of all the organizations involved in this important movement, including the American Jewish Conference on Soviet Jewry, the Student Struggle for Soviet Jewry, and the Congressional Coalition for Soviet Jews. These and many other organizations

were integral in securing freedom for Soviet Jews, and their work serves as an example for all who are seeking religious and political freedom around the world.

Mr. Speaker, these two anniversaries are also a reminder about the ongoing struggle for religious freedom and the need to continue to battle against anti-Semitism, bigotry and discrimination wherever it occurs. The United States as the world's only superpower and oldest democracy has an obligation and a responsibility to continue to advocate for those individuals suffering at the hands of oppressive governments—whether it is in Darfur, Sudan or in Burma. Today, millions around the globe cling to the hope that one day they will be liberated and freed from oppression. To this end, Congress and the American people must remain steadfast in our determination to protect religious and human rights matching the willpower and vigilance of those who fought so hard for decades to liberate Soviet Jewry from the yoke of tyranny and repression.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 759.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3307, by the yeas and nays;

H.R. 3446, by the yeas and nays;

H. Res. 778, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

DENNIS P. COLLINS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3307, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3307.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 1018]

YEAS—414

Abercrombie	Akin	Andrews
Ackerman	Allen	Arcuri
Aderholt	Altmire	Baca
Bachmann	Doyle	Knollenberg
Bachus	Drake	Kuhl (NY)
Baird	Dreier	LaHood
Baker	Duncan	Lamborn
Baldwin	Edwards	Lampson
Barrett (SC)	Ehlers	Langevin
Barrow	Ellison	Lantos
Bartlett (MD)	Ellsworth	Larsen (WA)
Barton (TX)	Emanuel	Larson (CT)
Bean	Emerson	Latham
Becerra	Engel	LaTourette
Berkley	English (PA)	Lee
Berman	Eshoo	Lewis (CA)
Berry	Etheridge	Lewis (GA)
Biggert	Everett	Lewis (KY)
Bilbray	Fallin	Linder
Bilirakis	Farr	Lipinski
Bishop (GA)	Fattah	LoBiondo
Bishop (NY)	Feeney	Loebsack
Bishop (UT)	Ferguson	Lofgren, Zoe
Blackburn	Filner	Lowey
Blumenauer	Flake	Lucas
Blunt	Forbes	Lungren, Daniel E.
Boehner	Fortenberry	Lynch
Bonner	Fossella	Mack
Bono	Foxx	Mahoney (FL)
Boozman	Frank (MA)	Maloney (NY)
Boren	Franks (AZ)	Manzullo
Boswell	Frelinghuysen	Marchant
Boucher	Gallegly	Markey
Boustany	Garrett (NJ)	Matheson
Boyd (FL)	Gerlach	Matsui
Boyda (KS)	Giffords	McCarthy (CA)
Brady (PA)	Gilchrest	McCarthy (NY)
Brady (TX)	Gillibrand	McCaul (TX)
Braley (IA)	Gingrey	McCollum (MN)
Broun (GA)	Gohmert	McCotter
Brown (SC)	Gonzalez	McCrery
Brown, Corrine	Goode	McDermott
Brown-Waite, Ginny	Goodlatte	McGovern
Buchanan	Gordon	McHenry
Burgess	Granger	McHugh
Burton (IN)	Graves	McIntyre
Butterfield	Green, Al	McKeon
Buyer	Green, Gene	McMorris Rodgers
Calvert	Grijalva	McNerney
Camp (MI)	Gutierrez	McNulty
Campbell (CA)	Hall (NY)	Meek (FL)
Cannon	Hall (TX)	Meeks (NY)
Cantor	Hare	Melancon
Capito	Harman	Mica
Capps	Hastert	Michaud
Capuano	Hastings (FL)	Miller (FL)
Cardoza	Hastings (WA)	Miller (MI)
Carnahan	Hayes	Miller (NC)
Carney	Heller	Miller, Gary
Carter	Hensarling	Miller, George
Castle	Herger	Mitchell
Castor	Herseth Sandlin	Mollohan
Chabot	Higgins	Moore (KS)
Chandler	Hill	Moore (WI)
Clarke	Hinchey	Moran (KS)
Clay	Hirono	Moran (VA)
Cleaver	Hobson	Murphy (CT)
Clyburn	Hodes	Murphy, Patrick
Coble	Hoekstra	Murphy, Tim
Cohen	Holden	Murtha
Cole (OK)	Holt	Musgrave
Conaway	Honda	Myrick
Conyers	Hooley	Nadler
Cooper	Hoyer	Napolitano
Costa	Inglis (SC)	Neal (MA)
Costello	Inslee	Neugebauer
Courtney	Israel	Nunes
Cramer	Issa	Oberstar
Crenshaw	Jackson (IL)	Obey
Crowley	Jackson-Lee (TX)	Olver
Cuellar	Johnson (GA)	Ortiz
Cummings	Johnson (IL)	Pallone
Davis (AL)	Johnson, E. B.	Pascrell
Davis (CA)	Johnson, Sam	Pastor
Davis (IL)	Jones (NC)	Payne
Davis (KY)	Jones (OH)	Pearce
Davis, David	Jordan	Pence
Davis, Lincoln	Kagen	Perlmutter
Davis, Tom	Kanjorski	Peterson (MN)
DeFazio	Kaptur	Peterson (PA)
DeGette	Keller	Petri
Delahunt	Kennedy	Pickering
DeLauro	Kildee	Pitts
Dent	Kilpatrick	Platts
Diaz-Balart, L.	Kind	Poe
Diaz-Balart, M.	King (IA)	Pomeroy
Dicks	King (NY)	Porter
Dingell	Kingston	Price (GA)
Doggett	Kirk	Price (NC)
Donnelly	Klein (FL)	Pryce (OH)
Doolittle	Kline (MN)	Putnam
Radanovich	Scott (GA)	Tiberi
Rahall	Scott (VA)	Tierney
Ramstad	Sensenbrenner	Towns
Rangel	Serrano	Tsongas
Regula	Sessions	Turner
Rehberg	Sestak	Udall (CO)
Reichert	Shadegg	Udall (NM)
Renzi	Shays	Upton
Reyes	Shea-Porter	Van Hollen
Reynolds	Sherman	Velázquez
Richardson	Shimkus	Visclosky
Rodriguez	Shuler	Walberg
Rogers (AL)	Shuster	Walden (OR)
Rogers (KY)	Sires	Walsh (NY)
Rogers (MI)	Skelton	Walz (MN)
Rohrabacher	Slaughter	Wamp
Ros-Lehtinen	Smith (NE)	Wasserman Schultz
Roskam	Smith (NJ)	Waters
Ross	Smith (TX)	Watson
Rothman	Smith (WA)	Watt
Roybal-Allard	Snyder	Waxman
Royce	Solis	Weiner
Ruppersberger	Souder	Welch (VT)
Rush	Space	Weldon (FL)
Ryan (OH)	Spratt	Westmoreland
Ryan (WI)	Stearns	Wexler
Salazar	Stupak	Whitfield
Sali	Sullivan	Wicker
Sánchez, Linda T.	Sutton	Wilson (NM)
Sanchez, Loretta	Tancredo	Wilson (SC)
Sarbanes	Tanner	Wolf
Saxton	Tauscher	Woolsey
Schakowsky	Taylor	Wu
Schiff	Terry	Wynn
Schmidt	Thompson (CA)	Yarmuth
Schwartz	Thompson (MS)	Young (AK)
	Thornberry	Young (FL)
	Tiahrt	

NOT VOTING—18

Alexander	Hulshof	Marshall
Carson	Hunter	Paul
Cubin	Jefferson	Simpson
Culberson	Jindal	Stark
Deal (GA)	Kucinich	Weller
Hinojosa	Levin	Wilson (OH)

□ 1648

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MICHAEL W. SCHRAGG POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3446, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3446.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 1019]

YEAS—415

Abercrombie	Barrett (SC)	Bishop (UT)
Ackerman	Barrow	Blackburn
Aderholt	Bartlett (MD)	Blumenauer
Akin	Barton (TX)	Blunt
Allen	Bean	Boehner
Altmire	Becerra	Bonner
Andrews	Berkley	Bono
Arcuri	Berman	Boozman
Baca	Berry	Boren
Bachmann	Biggert	Boswell
Bachus	Bilbray	Boucher
Baird	Bilirakis	Boustany
Baker	Bishop (GA)	Boyd (FL)
Baldwin	Bishop (NY)	Boyda (KS)

Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Alexander
Carson
Cubin
Culberson
Deal (GA)
Hinojosa
Hulshof
Jefferson
Jindal
Johnson, Sam
Kucinich
Levin
Marshall
Paul
Simpson
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1656

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE FIRST RESPONDERS AND SUPPORTING THE VICTIMS OF THE SOUTHERN CALIFORNIA WILDFIRES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 778, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 778.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 1020]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)

Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Alexander
Bachmann
Carson
Castor
Cubin
Culberson
Deal (GA)
Hinojosa
Hirono
Hulshof
Jefferson
Jindal
Johnson, Sam
Kaptur
Kucinich
Levin
Lynch
Marshall
McCarthy (NY)
Paul
Simpson
Weller
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1703

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, today I was detained and unable to vote on the final passage of the Small Business Contracting Program Improvements Act.

Had I been present, I would have voted ''yes'' on H.R. 3867, the Small Business Contracting Program Improvements Act, House rollcall vote 1017.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3547.

The SPEAKER pro tempore (Mr. SALAZAR). Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. CUMMINGS. Mr. Speaker, I ask that my name be removed as a cosponsor of H.R. 3547.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. WYNN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3547.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that I have my name removed as a cosponsor of H.R. 3547.

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

There was no objection.

SCHEDULE FOR THE REMAINDER OF THIS WEEK

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

Mr. SHIMKUS. Mr. Speaker, I'd like to address the schedule for the rest of this week. Regular Members don't have a chance to talk. It's usually the majority leader and our chief deputy whip. But I did this a couple of weeks ago when we left at 5 o'clock. Today it's another 5 o'clock ending session.

We have really three bills left to address this week, the Hard Rock Mining and Reclamation Act, which we could do tonight, Trade Globalization Assistance Act, which we could do tomorrow morning, and we could appoint our conferees tomorrow morning, mid-afternoon, which would allow many Members to be able to get home with their family.

I have an 8-year-old son. It might be nice to go trick-or-treating with him.

There's no reason we have to be here for 2 days to conduct this type of work. I'm embarrassed for this House and the time spent here doing no work.

FLAG CONTROVERSY AT NATIONAL CEMETERIES

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

Mr. POE. Mr. Speaker, when a veteran is buried in one of our national cemeteries, the flag draped over the warrior's coffin is neatly folded and given to the warrior's family. As the flag is folded, a statement is made as to what each fold represents. Two of the folds refer to Jews and Christians in our military. But that ceremony has been sabotaged by the National Cemetery Administration. Some bureaucrat banned the recitation of the meaning of the folds in the flag at all national cemeteries because someone complained about the ceremony being religious.

To ban this time-honored tradition which recognizes life, gives tribute to our country and to our Armed Forces, honors women, recognizes fathers, and reminds us of our national motto ''In God We Trust'' is un-American and, frankly, it's stupid.

I've been to funerals at national cemeteries of fallen troops from my district. I've heard the recitation of the meaning of each fold. I've watched tearful mothers and fathers and spouses hold that flag next to their chest, grateful for every fold.

The Washington bureaucrat that issued this absurd ruling should withdraw the ban. It's unpatriotic, irreverent and disrespectful of our war dead.

And that's just the way it is.

INTERNET TAXATION MORATORIUM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today on the floor of the House we addressed the question of Internet taxation moratorium, a bill that came out of my House Judiciary Committee, the Judiciary Committee which I sit on under the leadership of JOHN CONYERS.

Because I was unavoidably detained, I wanted to congratulate the passage of this bill and to support the moratorium as relates to grandfathering in those States that already had the utilization of Internet taxation, such as my State of Texas.

We know that this will take a long debate on this question. We understand that there are issues on both sides. Those who are in the Internet superhighway, who want a free flowing of information and ability to buy and sell, that is a reasonable request.

But we also know that more and more Americans will be moving toward Internet shopping and utilization, and for many local jurisdictions and States, this is a source of income that is well needed for health care and education.

I support the Internet resolution that passed today, and I am grateful for the grandfathering of the State of Texas.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. BISHOP of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3547.

The SPEAKER pro tempore (Mr. MCNERNEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRESIDENT BUSH'S SUPPLEMENTAL $200 BILLION REQUEST IS A STEP IN THE WRONG DIRECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, on Monday, October 22, 2007, President Bush requested an additional $46 billion for U.S. operations in Iraq and Afghanistan. This is on top of the original $150.5 billion requested at the beginning of Fiscal Year 2008, bringing the total amount requested to $196.4 billion, more than 10 times the original 50 to $60 billion cost estimated by the White House in 2002.

A Congressional Budget Office, CBO, estimate that was released on October 24 determined that the wars in Iraq and Afghanistan could cost more than $2.4 trillion, amounting to nearly $8,000 for every American through the next decade. Notably, the war in Iraq accounts for about 70 percent of the $2.4 trillion cost estimate.

Meanwhile, the administration is satisfied with continuing our military operations in Iraq, functioning on borrowed time and largely borrowed money. The result is a limited budget to advance our priorities at home, like aiding the increasingly unstable real estate market and providing adequate health care for our children.

Mr. Speaker, the war in Iraq continues to be mismanaged. As a senior member of the Oversight and Government Reform Committee, I received testimony from Secretary Rice on October 25 regarding corruption in Iraq, private contractors and the U.S. Embassy in Baghdad. Unfortunately, I must say that I walked away with very few answers.

There were very few, if any answers at all, for why President Maliki issued an executive order to stay the corruption investigation of his cousin, the Minister of Transportation.

There was no answer for why individuals in Secretary Rice's own department, such as Stuart Bowen, the Special Inspector General for Iraq Reconstruction, have described U.S. anticorruption programs as lacking a strategic plan and corruption levels amounting to a ''secondary insurgency'' that threatens to undermine U.S. and Iraqi efforts to build a stable democracy.

There was no answer for why, according to a recent Government Accountability Office report, the United States Embassy in Baghdad, ''does not have a firm plan or strategy for addressing the next steps in the development of the system,'' despite the substantial U.S. investment.

There was no answer for why Secretary Rice has permitted contractors in Iraq, such as Blackwater, to escape justice for crimes they have allegedly committed, blaming it on simply a hole in the United States law, while providing them with the stamp of impunity.

And finally, Mr. Speaker, Secretary Rice provided us with no answer for why, despite the United States spending over $300 million in taxpayer dollars during the course of 2 years to improve the capacity of Iraq's ministries. And with $255 million more sought for next year, progress has been stalled, not only by poor security, but also by pervasive corruption, a shortage of competent personnel and sectarian and political control of appointments.

Yet, despite all of these shortcomings, despite State Department's lack of ability to forestall corruption in the Iraqi Government, despite its mismanagement of paramilitary contractors, and despite the President's overall failed policy in Iraq, the President has come to Congress once again in the 11th hour requesting billions of dollars more in funding for the wars both in Iraq and Afghanistan.

Mr. Speaker, under the presentment clause of the United States Constitution, Congress, having the power of the purse, has the responsibility to execute fiscal constraint and fully investigate such war funding requests, not to act with a rubber stamp, especially when the President refuses to provide adequate health care funding for our Nation's neediest children.

Therefore, as we consider the President's war budget request, we must listen to the overwhelming majority of the American people and challenge President Bush to shift from failed policies in Iraq to a strategy that is fundamentally diplomatic and weighs heavily on the assistance of the international community. We owe this to over 3,800 brave soldiers who have lost their lives in Iraq to date. We also owe this to our hardworking constituents whose tax dollars have in part continued to fund the war in Iraq.

□ 1715

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. HASTINGS) is recognized for 5 minutes.

(Mr. HASTINGS of Washington addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

2007 COMMEMORATIVE COINS: LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION AND JAMESTOWN 400TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, passion for collecting things as children is something that we have all gone through. Each of us has perhaps collected coins or stamps. Not everyone collects stamps, not everyone collects coins, not everyone collects insects; but all of us appreciate the value of courage. And I rise tonight, Mr. Speaker, to talk about a coin that is now available for sale on the usmint.gov Web site, the commemorative coin honoring the bravery and courage and great public service of the Little Rock Nine, the nine African American students that desegregated Little Rock Central High School in 1957. This year is the 50th anniversary of their service.

This side of the coin depicts a group of school children going to school with no other purpose than to get educated and act like kids. We sometimes forget that the Little Rock Nine 50 years ago were kids. They were children, demonstrating great bravery in trying to overcome the obstacles imposed by adults. And the coin on this side says ''Liberty.'' The nine stars are to represent the Little Rock Nine. And it says: ''Desegregation in Education, 2007, In God We Trust.''

The reverse side of this coin, it is a $1 coin, depicts Little Rock Central High School itself. It is still considered one of the Nation's most beautiful high schools.

As you know, Mr. Speaker, each year the Congress may authorize two commemorative coins. One of the coins that we authorize for sale during calendar year 2007 is this coin honoring the 50th anniversary of the desegregation of Little Rock Central High School. The other one was by the late Representative Jo Ann Davis of Virginia honoring the 400th anniversary of the founding of Jamestown, our beloved colleague Jo Ann Davis, who recently passed away. Both coins tell a wonderful story.

I encourage the Members and encourage the public to go to the usmint.gov Web site and consider purchasing these coins as holiday presents, as a way to pass on the legacy of the story of the bravery of these nine students desegregating Little Rock Central High School.

One of the reasons I am interested in these coins being purchased at the usmint.gov Web site is because $10 of

every coin purchased goes to support telling that story of Little Rock Central High School. It is now a national historic site. The school is still functioning, one of the great robust high schools in Arkansas. There is a national park visitors center there. The gas station that was there in 1957 has been restored across the street. So many ways to this story, but they can always use more money. There have been about 160,000 or so of these coins sold, and $10 of every coin goes to help tell this story.

And this is a beautiful coin. When you see the coin itself, it's just exquisite in the detail. It is a silver dollar and they make wonderful presents. But, more importantly, they make a wonderful way of telling the legacy and telling the story of the bravery and courage of these nine children that are now adults, in their 60s, who overcame the prejudices that involved segregation of schools in 1957.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

(Mr. PETERSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE MAN CALLED BILLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. Mr. Speaker, it is with a sad heart that I address the House of Representatives this evening.

My cousin, the Reverend Willie ''Billy'' Boulware, was born on August 4, 1938, to the late Roscoe Meeks and Thomasina Boulware. He passed just yesterday.

Billy always knew he was loved. His growing years were strengthened by close knit families and communities. And so when it came time for him to go to high school, a place where many come into themselves, Billy was already poised to lead.

He attended Emmett Scott High School where he briefly played football, but found a zone of his own when he joined the school band. It was there that he gained an increased level of education and friends worth fighting for.

Reverend Boulware was a son of the South, and Billy knew of the inequities that existed but refused to allow the anger and disappointment that overtook some to become the fabric of his being. Instead, he clung to the lessons learned at home, the wonder of educating himself, the promise he saw in his friends, the people living lives of purpose, and of a love of life's journeys.

Billy attended Friendship Junior College and later Benedict College, where he received his bachelor of arts degree, then Winthrop College, where he got his master's. Later he would gain a master of divinity and doctorate of divinity from Mid-Atlantic Seminary.

A desire to learn and the warmth and smile that greeted everyone he met were Billy's hallmarks and trademarks. When you met Billy Boulware, you knew instantly there was nothing to fear. His welcoming spirit enveloped a room. Perhaps that's why he became a director of a Head Start program, an initiative that seeks to provide children good beginnings, or why he was chosen to direct an alternative high school in Rock Hill, a place where the young are sent in the hopes that they might be reshaped, redirected, and shown their promise.

And ever the student, my cousin Billy was also an assistant principal at Castle Heights Middle School, demonstrating by example of his own life that it's not necessarily the position you are in, but the character that lives inside the person holding whatever position.

Later Rev. Boulware held positions of commissioner of mental health, director of the York County Planning Commission, head of the Board of Elections for York County, hearing officer for the Rock Hill Hearing District, and a York County judge. Billy knew he couldn't guarantee things, but he knew he could play a part in the administration of justice. Time and again Billy chose to serve the people of his community. And all the while he maintained his interest in education sitting as a member of the board for Morris College.

There was no question that Billy knew love both at home and through the Holy Spirit. So it was really a continuation of his life's journey when he assumed the pastoral duties at Mount Olive Baptist Church. His love of God and his desire to live a committed life, buttressed by the love of his wife, Barbara, his love and partner for 45 years, made it possible for him to pastor for those 35 years.

Even as Billy Boulware made himself available to his church family, he chaired the Board of Trustees of Friendship College. He supported his wife's dreams and encouraged his son, Wendell, through his medical degree. He told his little girl, Dietra, that she was born to be more as he encouraged her dream of working in the financial services industry. And when his daily guidance was no longer required, he placed himself wherever his children asked that he be.

Some might have viewed Billy as being saddled with much too much; but as I remember his ever-present smile, the enthusiasm you could hear in his voice, and the laughter that came from him when he spoke of a trip just taken with Barbara to visit his grandchildren or hearing him speak passionately of why grandparents matter in children's lives, I know Billy Boulware was ''saddled'' with nothing but the heart of love.

Billy was a man among men. He was a giant to his Barbara, Wendell, and Dietra, and to the rest of his family as well. He cared for his uncles, his aunts, his cousins, and would do anything he could to ensure all thrived. Billy's presence made you smile, and his laughter made you warm. His surefootedness made you steadier, and the pride he expressed in me called me to work deliberately and with greater purpose.

This world has lost a great somebody in the being that was Billy Boulware. But there is no question in my mind that on October 29, 2007, the day Billy went home to his Father, there was great fanfare. He was greeted with the words, ''Well done my good and faithful servant, well done!''

The greatest part of Billy Boulware still lives in all the persons whose lives he changed, and all the lives they changed, and the greater sense of humanity that exists because Billy lived. Until we meet again, let this CONGRESSIONAL RECORD stand as testimony that Billy Boulware was a great and faithful servant of God. Billy didn't just up space, he made a way for some, and broadened the horizon for many many more!!!!

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1730

TREASURY SECRETARY PAULSON AND THE SUBPRIME MARKET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, there was an article recently in Information Clearing House urging our country's leaders to exhibit leadership in these

times of economic crisis. And it was such a compelling article, I wanted to read part of it into the RECORD tonight.

It talks about some of the recent bloodbaths that we have seen on Wall Street that prove the trouble in our credit markets have not been relieved by the Fed's rate cuts. The Dow Jones slipped 367 points on the 20th anniversary of Black Monday, the stock market's biggest 1-day loss in history. And in the past week or so, Asian markets have plunged. Stocks are down sharply in Japan, Australia, Hong Kong, Indonesia, the Philippines, Taiwan, and South Korea. And there are ongoing problems being caused by what is happening in our subprime housing lending market.

''The sudden downturn in our stock market has provided a fitting backdrop for Treasury Secretary Paulson's appearance at the G–7 meetings here in Washington. Paulson has largely shrugged off the decline in housing and the growing volatility in the equities markets.

''What everyone at the meetings really wanted to know was why the United States destabilized the global economic system by selling hundreds of billions of dollars of worthless mortgage-backed securities to banks and pension funds around the world. ''Aren't there any regulations in the United States,'' they asked? ''And how is Paulson going to make amends to the institutions and investors who lost their shirts in this massive mortgage scheme?'' Unfortunately, the Treasury Secretary didn't address any of these questions. He offered no recommendations for fixing the problem. Indeed, I can tell you the Treasury Department isn't even offering public television ads and commercial ads in communities like my own that are suffering under the weight of these rising foreclosures.

Last month's net foreign influx of capital shows how quickly capital can evaporate when other countries lose confidence in us. In fact, foreign investors pulled $163 billion out of U.S. securities and treasuries in August alone. Net capital inflows into our country have turned negative. And that's money that won't be returning to the United States until we get our act together.

This multitrillion-dollar subprime swindle was the greatest financial fraud in history. But Paulson and his colleagues at the Fed continue to blame everyone else. No one in China or Iran could have cooked up this structured finance rip-off which sent millions of homeowners into foreclosure, shattered 160 mortgage lenders, and undermined the global banking system. That was the work of Wall Street and their accomplices at the Fed.

Another article appeared in the New York Times by economics reporter Gretchen Morgenson. She calls her article, ''Get Ready for the Big Squeeze.'' And she says, ''Anyone who thinks we've hit bottom in the increasingly scary lending world is paying little mind to the remarkably low levels of reserves that the big banks have set aside for themselves for loan losses. And who let that happen? Part of the problem for banks is the result of an almost two-decade drop in loan loss reserves.'' That's the fault of this Congress, it's the fault of the Treasury, and the fault of the Federal Reserve.

The present gang of Wall Street warlords have transformed the world's most transparent and resilient market, our own, into an opaque galaxy of complex dead instruments and shady, off-balance sheet operations. It's no better than a carnival shell game.

As the banks continue to get rocked from explosions in the housing industry, the unwinding derivatives and carry trades will precipitate a mass exodus from the equities markets. And we know that with surging oil and food prices, it's bearing down heavily on the American people as their discretionary income vanishes from increasing inflation and shrinking home equity. Wages have remained stagnant while personal savings have fallen to negative levels.

The aftershock from Alan Greenspan's cheap credit policies will be felt for decades. Record trade imbalances give further evidence of our situation. And no country has ever devalued its way to prosperity. As our dollar falls globally, destroying the dollar will ultimately destroy our country. And it will destroy the value of savings, for those people in this country that do have savings. It will destroy the value of equity they've built up in their homes. It will destroy the value of equities of this country.

Global credit markets are now facing unprecedented disruptions due to the mortgage-derivatives fraud which originated here in this country before spreading across the world; $400 billion in asset-backed commercial paper has failed to roll over, and the story is not over yet.

Mr. Speaker, leadership is critical in times of economic crisis. Yet this Congress seems to be tiptoeing around the magnitude of what is facing the people of this country. This isn't time for prevarication, obfuscation, or public relations gimmicks by the Secretary of Treasury or the Fed. We need leaders who will tell the truth and forestall the growing probability of social disorder.

I commend this article to my colleagues and to the American people.

SCHIP

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHADEGG. I want to take this opportunity tonight to discuss one of the hottest topics here in Washington, a topic that has occupied much of our time. It's been an issue on which we have debated and discussed extensively. And I think that's been good for the American people because it has enabled them to learn what they didn't know to begin with.

The topic I want to discuss is the proposed expansion of the State Children's Health Insurance Program, what you have commonly heard referred to as SCHIP. That's a program that was created a number of years ago, and the President has put on the table some parameters about how to renew the program, but the Democrats have decided, no, we need to dramatically expand the program. And I think it's important to discuss these issues and for the American people to understand what is involved.

But on this one, I think it's more important than usual. And I think a way to illustrate that is that very recently a Republican colleague of mine was stopped by a reporter here on Capitol Hill. The reporter said to him, hey, how can Republicans possibly vote against the State Children's Health Insurance Program? And the reporter was incredulous at this thought, given that it's a health insurance for children and that its title said it's the State Children's Health Insurance Program, how is it the Republicans thought they could vote against a bill with that title? Well, fortunately, my colleague, who was quick of mind, said, I think a better question is, how could any Member of Congress vote for a bill based solely on its title? And, in fact, that's what the Democrats are urging us to do, vote for this dramatic expansion of this health care program just because its title indicates it's for children.

And in reality, you begin to take apart the various levels of the onion, the layers of the onion and examine the program and you discover, well, it's supposed to be an insurance plan for poor, uninsured children; and yet, if you examine it, you discover that it's not for poor or even near-poor, it's not for uninsured and, in fact, it's not even for children, a rather stunning provision. You discover that it's actually for middle- to upper middle-income Americans, some of whose families make more than $60,000 a year, and in some States their families make more than $80,000 a year. That's hardly anybody's definition of poor.

So, if it's not for poor children, then one would think, well, it's supposed to be for uninsured children. And yet, you discover, no, as a matter of fact, 61 percent of the children who originally became eligible for this program already had insurance. So, the program hasn't really been to help uninsured children, at least not initially, 61 percent of the children who are eligible already had private insurance, and they dropped that insurance to go on this government program.

Well, then you look at the CBO score of the current Democrat bill. And we ought to talk about how many times they've brought this up and the President has vetoed it, and I know there

are some of my colleagues here who will discuss that, but the Congressional Budget Office scored the current proposal that's before us, and CBO said that one out of every two children who become eligible under the new bill, under the bill that Democrats would have before us now, one out of every two will already have private health insurance. One out of two new children who become eligible for this program will already have private insurance. And if they decide to drop that private insurance and go on the SCHIP program, this Cuban-style, government-run program, well, half of those people will have already had private insurance and they will drop that insurance.

That opens the door for a discussion, I think, about the fact that, and CBO estimates 2 million; if 2 million kids in America who have private insurance drop their private insurance to go on this new expanded government program, the cost of that private insurance for everyone else will go up. So, let's see: It's not for poor or near-poor; it's not for the uninsured. Surely, this program must be for children because, after all, the Democrats are saying nobody can vote against a bill that's called the State Children's Health Insurance Program, but.

Voila, you discover, no, it's not just for children. As a matter of fact, there are a number of States where there are more adults on the State Children's Health Insurance Program than there are children on the program. As a matter of fact, I think in Wisconsin, it's 61 percent of the money is spent, not on children, 61 percent of the SCHIP money, State Children's Health Insurance Program money, 61 percent is spent on adults. I believe in Minnesota it's 75 percent of the money for the State Children's Health Insurance Program is spent on adults.

I looked at my own State. I thought, you know, I'm in Arizona, I'm interested in what's going on in Arizona. Kind of a shocking fact I discovered, and that is, Arizona had, at one point in time, put 110,000 adults on the program, but, and listen to this one, this is the State Children's Health Insurance Program, they put 110,000 adults on the program, and 85,000 of those adults were childless. They didn't even have a child.

Now, unfortunately, there is no such thing as truth in legislating, so it's okay to label a bill the State Children's Health Insurance Program and have it intend to cover poor and near-poor uninsured children, and then to dig into the weeds of the bill and read and discover, well, it's really not for poor and near-poor, it's for upper- and upper middle-income Americans. It's not for the uninsured, at least in several States, more than half are already uninsured. It's not even for children. It's for adults. And I think many Americans know that the President vetoed this bill. And then the majority party, the Democrats, decided to put off the override vote. And their thought was, well, we will put off the override vote and put these Congressmen under pressure to try to force them to vote for the State Children's Health Insurance Program and override the President's veto. Well, when the truth is on your side, when the facts actually help you, when the facts point out that the program isn't what its title says it is, it isn't really the State's Children's Health Insurance Program for poor and near-poor children who are uninsured, it actually covers middle-income kids and not-poor kids, it covers kids that are already insured and causes them to drop their private insurance, and it covers adults, the delay didn't help, and the delay caused more Americans to learn about the bill.

But last week, on the last day we were here, once again the Democrat Party tried to stuff through a bill, without making any real changes to it, that had all these same flaws to it. And so, I thought it was important that we should come to the floor and talk about those issues. But there are actually more. I want to talk about the funding source. Because as challenging and as, in fact, untrue as the claims are about the bill covering poor children or uninsured children or even children, it turns out the funding mechanism is a scam as well. Actually, it's got all kinds of budget gimmicks in it, and it relies on certain things that simply will not come true and wouldn't be good policy if they did to fund it.

But before we move on to the funding issues in this bill, which I think is important for the American people to know about, I would like to give some of my colleagues here on the floor a chance to talk about their view of the bill, why we do support health care for poor and near-poor children, we do support health care for uninsured children, we just don't want to do it for middle-income Americans. We don't want to do it for those who already have insurance. As a matter of fact, I've had a bill that I've introduced in this Congress every year for the last 10 years to give a refundable tax credit to every single American who can't afford health insurance and let them buy their own coverage. So, I support dealing with these kids who need care, but not in a way that deceives the public about what we're doing.

I would be happy to yield to my colleague to give us her perspective on this important piece of legislation and help, perhaps, educate the American people about what this debate is and why we have the concerns we have about the bill.

Mrs. BLACKBURN. I thank the gentleman from Arizona for yielding.

Mr. Speaker, I am so pleased to be able to stand here and talk for a few moments about the SCHIP proposals, or I should say the health care proposal, the expansion of health care that has been brought under the name of SCHIP. It is, indeed, unfortunate that a fine program that is there to help underprivileged children has been hijacked, if you will. And on its back, on the backs of our Nation's children, on the backs of the children of the working poor has been placed this expansion of health care. It truly shows a level of disrespect toward the children of this country.

I appreciate the leadership that the gentleman from Arizona shows, not only on this issue, but the leadership he brings to our Republican Study Committee. And those of us who are speaking on the issue tonight are members of the Republican Study Committee.

Mr. Speaker, on the topic of this SCHIP, you know, one of the things that the American people said was, we want to change the way things are being done in Washington. We want smaller government, we want government to spend less money. So, we saw some changes take place last November. And the new majority went into control in January and they've authorized nearly $1 trillion in new spending since the time that they took over. And, of course, we are hearing that there are tax increases. One of the chairmen of Ways and Means calls it the ''mother of all tax increases.'' I take a little bit of offense to that, being female. And also, when you talk about the mother of something, you worry about what the offspring are going to look like, Mr. Speaker. And so we are worried about what that tax bill will look like.

But on SCHIP, as I said, unfortunately for America's children, the liberal leadership of this House decided that they were going to put on their back the burden of carrying this enormous expansion of health care and changing a block grant program into an entitlement. That's not the kind of change the American people voted for. Just like the American people didn't vote to have the single largest tax increase in history take place.

Now, one of the interesting things about all of this is the SCHIP proposals that have come out include allowing illegal immigrants to get health care. And I know we hear from the majority, oh, that's not going to happen. We have eligibility requirements. But, Mr. Speaker, I would direct my colleagues to either section 211 or section 605 of the bill where it plainly states, and you can read it for yourself, anyone watching could read that for themselves. They can look up H.R. 3963 or H.R. 976 and see what is contained in that bill.

□ 1745

We know that this would result in $3.7 billion in new spending over a 10-year period of time if the new liberal majority had its way. You can go into the allocation section, section 102 of the bill, and you can look at what is going to take place when you get mid-year 2012. Do you know what happens, Mr. Speaker? All of a sudden, no money. So what are you going to do, throw 80 percent of the people off the

bill? We all know that is not going to happen.

But, Mr. Speaker, my question is why would anybody support a bill, support a program, that they are setting up to fail. Why would they have that level of disrespect for this program, that they would pass legislation that would plan for it to fail. Then, as my colleague has said, we have the problems with spending more, insuring less children, and not making available to the children truly that are eligible for the program the opportunity to have that access to affordable health care.

We could go on and on with the problems with this bill. I just find it so unfortunate that in this day and in this age that we would have the new majority and the new leadership take a block grant program that is working well, that the States like and change it to an entitlement program that is put on auto pilot when we know some of the greatest pressures we have on our budgeting process are on our entitlement spending.

I thank the gentleman from Arizona for yielding. I appreciate his leadership on the health care issues. I appreciate his concern for how our constituents continue to access health care in this country.

Mr. SHADEGG. Reclaiming my time, I would like to just bring out a couple of the points that the gentlewoman from Tennessee mentioned and drive them home a little bit. I think the key one you mentioned was coverage of illegal aliens. As I understand it, the way the bill is written, it, in fact, appears to prohibit illegal aliens from being covered under the bill, but the authors of the bill have conscientiously, intentionally chosen vague language that would require virtually no proof of citizenship. Is that not correct? Would you explain that?

Mrs. BLACKBURN. Yes. If the gentleman will yield, and indeed that is correct. What you see is a play on words and how unfortunate that we have this disingenuous approach to this issue, have a play on words with the eligibility requirements and allowing, putting something in words and then allowing a loophole. As I said, the two sections, sections 211 and 605, with that we can look at the income disregards.

Now, Mr. Speaker, how many people have ever said let's have the income disregards when they are trying to decide who goes on to a program? Well, I had one of my constituents in my district come up, and they said, Tell me what is an income disregard? I said, Do you know what, an income disregard is when you do not consider the income. And they said, How can that be for the sake of considering SCHIP which is to be for children of the working poor? And I said, Because you don't want the income to matter. And if you don't want the income to matter and you want to make it available to what the IRS calls ''high-income earners,'' you establish that doubletalk with income disregards.

Mr. SHADEGG. Income disregards is a perfect segue to what I want to talk about in this bill, and it stuns me, and I know that the authors of the bill have been confronted, and they have been asked to change the language to make it clear that this coverage would not go to illegal aliens. They have rejected that. They use the term ''income disregard.'' What the heck is an income disregard? People in my congressional district certainly don't know what it is. But it is game-playing.

This is one I love. And you used the phrase, why would anyone write a bill and have it intentionally designed to fail; have it through kind of shifty means, through kind of squeaky wording, through provisions that you know won't hold up, have the program designed to fail. I think you are referring to one part of the bill that I find fascinating, and that is here as demonstrated on this graph.

It turns out that for the first 5 years of this program in the bill the majority has put together, the Democrats' bill, they provide the funding for the program, for this new expanded SCHIP program. But we fund our bills over 10 years. It turns out that because of their rules on budgeting that they have to cut off funding, and in year 5, actually 6 months into year 5, 80 percent of the funding for the entire program goes away. It is kind of like Lucy and the football. They say, Well, we will fund it for 5 years, and then we are going to take 80 percent of the funding away in year 5, and that way we will trick people and make it appear that we have the money to fund the program.

But that is not even quite as fascinating as one of the points I really want to bring out tonight in this debate, and that is, one of the funding mechanisms of the bill is a 61 cent per-pack increase in the cigarette tax. Now, you might say, Look, smoking is bad for people. Smoking is a habit we should discourage. So I am all for increasing the tax on cigarettes. I wouldn't have an argument with that.

But here is the problem, and this is where we go to terms like ''income disregard'' and, actually, not honestly confronting the funding of the bill. It turns out that for this 61 cent income, or cigarette tax, to be sufficient to fund the bill, more people than currently smoke would have to take up the habit. As a matter of fact, the official estimates are that to pay for the bill with a cigarette tax increase that is in it, a staggering 22 million Americans will need to take up smoking.

Now, I thought, how can a graph demonstrate 22 additional million Americans starting smoking? So I had my staff get 22 cartons of cigarettes. Here they are. We have got all 22 stacked here. I would like to have them out there where you can see them. There are 22 cartons of cigarettes here. And each carton represents an additional 1 million nonsmokers in this country who, to fund this bill if you leave it funded with the Democrat 61 cent per-pack cigarette tax, will have to start smoking.

Now, maybe proponents of this bill think that having 1 million people for every one of these 22 cartons of cigarettes take up the habit and pay their tax is a good idea. I happen to not think it is a good idea.

Mr. Speaker, for anybody who just tuned in, I want to tell them where we are. We are discussing the proposed expansion of the SCHIP program, a program that many of us are concerned is a bill that we will be forced to vote for because of its title. It is supposed to be a health care bill that provides health care to poor uninsured children. And it turns out that it provides health care not to poor children but to middle- and upper-income children whose families are making 60 to $80,000 a year, in some instances more. It turns out to cover not just uninsured children, but 61 percent of the people originally covered already had insurance, and that would displace them, causing the cost of private insurance for the rest of us to go up.

It turns out it was supposed to be for children, and it is not actually for children. In some States, in Minnesota and Wisconsin, there are more adults covered than children and more money is spent on adults.

Then the final point I was just making, and I don't know, I hope the camera will get the cigarette cartons stacked in front of me, but one of the funding mechanisms in the bill is an increase in the cigarette tax. You might think that an increase in the cigarette tax is a good idea. But unfortunately it doesn't do the trick because the proposed increase in the cigarette tax of 62 cents a pack, it turns out, will only work, it will only provide enough money to pay for the program called for in the bill if an additional 22 million, staggering, 22 million Americans take up smoking and pay the tax.

So I thought to graphically illustrate that, I would get my staff to go out and acquire 22 cartons of cigarettes. Well, we couldn't afford the 22 cartons of cigarettes so we just got the outside of the cartons. But here they are stacked in front of me. You might say, Why are those cartons of cigarettes stacked in front of him? What's the big deal there? Doesn't he like cigarette taxes? That is not the issue. The issue is if each one of those cartons of cigarettes in front of me represents a million people in America who don't smoke today, a million Americans who don't smoke today, who, in order to fund this bill and have enough money coming in based on their cigarette tax, will have to start smoking in order to pay for the bill? Maybe somebody thinks that is good policy. Maybe somebody thinks we ought to be encouraging people to take up smoking and pay the 61 cent tax. I know my colleagues in Congress who are doctors probably don't think that is a great idea.

I do have my colleague from Georgia here, Mr. WESTMORELAND. I would be

happy to let him give his comments on the idea of 22 million new people starting smoking to pay for this bill that really isn't for uninsured poor children.

Mr. WESTMORELAND. I appreciate the gentleman yielding. To get 22 million people to smoke, I don't know how much money we will have to appropriate to a ''get smoking campaign.'' We have been spending millions and millions of dollars, as the gentleman from Arizona knows, trying to get people to recognize the health effects of cigarette smoking and to quit. So I think for the Democrats to have this proposal, and I understood the gentleman from Arizona to say, too, that not only is the 61 cent cigarette tax misleading that it would fund the program, that they have a cliff that this program falls off of after 5 years and 6 months.

We have got the chart right here that shows that this is really more smoke and mirrors trying to get around the PAYGO in the fact that this is fully funded for the first 5 years and 6 months, and then after that, it drops off about 80 percent. And you can see over here the red line goes down.

Now, anybody who believes that we should let these families get on this health insurance program and then pull the rug out from under them is not fair. In fact, what has happened, when this program was first initiated under Republican control in 1997, there was a need there to help people who made 200 percent or less of the poverty level, and that is about $42,000. So we said, If your children are uninsured, we have got a program that can help you. And we let the States administer it.

There are over, I believe the gentleman from Arizona, I don't know if you quoted this or not, but I think there is probably close to between a half million and a million children in the United States today that were eligible and had not been insured yet by these States.

Mr. SHADEGG. Reclaiming my time, that is absolutely correct. One of the objections that those of us who think this is not a well-written piece of legislation, we support the policy. We are all in favor of taking care of poor children and ensuring that they have health care coverage. Indeed, as I mentioned earlier, I have introduced a bill every year for the last 10 to provide a refundable tax credit to those children. But one of the things that we object to is the program currently covers adults and in several States there are more adults on the program than children; and yet as the gentleman from Georgia pointed out, there are millions of children who are, in fact, poor and who are, in fact, eligible to participate in this program who aren't currently participating.

One of the amendments that we have suggested, but have never been allowed to offer on the floor because we have never been allowed to offer an amendment on the floor, would be an amendment that says, You can cover people at a higher level of poverty, you can go on up the income scale, after you have covered the poorest American children. The President has proposed that, as well.

Mr. WESTMORELAND. That's right. That is a great point. The Republican Congress, in 1997, when they came up with this program, and they funded this program, it was a block grant to the States. And they thought that the States would be there looking after these children that belonged to families under the 200 percent poverty level that didn't have health insurance to give them some affordable, or at least some, health care. But what happened is these States didn't work hard enough to go out looking for these children, so they said, Look, we'll insure adults.

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Then you learn from your mistakes. This program has been going on 10 years, and I think the President and the administration saw some of the errors that were in this program and tried to correct them and want to correct them in a new bill.

What it would do is say, look, all the States are going to be at a 200 percent poverty level. What has happened is States such as New Jersey and others have gone in and gotten waivers to go up to 300 and 400 percent, and that has caused a disbalance in some States that have taken their block grant, that have insured the children, spent the money wisely, and then others that have taken advantage of the system.

Mr. SHADEGG. Mr. Speaker, reclaiming my time briefly, when we talk about 300 percent of the Federal poverty level or 400 percent of the Federal poverty level, the abuse of the program, can the gentleman tell us about how much money that means?

We say this program is not directed just at poor or even, I like to say, nearly poor children. Poor children are supposed to be taken care of by Medicare. This is supposed to be for the near-poor.

Mr. WESTMORELAND. Mr. Speaker, I thank the gentleman for yielding, but let me put this in terms we can all understand. Two hundred percent of poverty is $42,000, 300 percent is $63,000, 400 percent is approximately $84,000.

Mr. SHADEGG. There are some people on the program at that high a level.

Mr. WESTMORELAND. There are some people on the program at 400 percent.

Mr. SHADEGG. Eighty thousand dollars-plus.

Mr. WESTMORELAND. Eighty thousand dollars-plus. To me, this program was intended for those poor children that were in a situation with a family of four making $42,000 that could not afford the health insurance, so the government stepped in and said we are going to help you out.

We as Republicans want to see these children insured. We don't want to see the program being abused as is being done now. So I think that is the point that is so hard to get back to, is the point that we want to do this. The President has increased the funding.

But, you know what? It is one of those things that I think the gentleman from Arizona said this in his opening comments, the name of the bill sounds so good. There are a lot of smart people up here that make these pieces of legislation have great names, that you just feel like I can't vote against this because of what it is named.

This bill's original intent was to help the children in families of four that makes less than $42,000. We are now trying to make it now where families that make up to $84,000 can taken their children off of private insurance and immediately put them on this government program.

Let me say this: I think this is the first step to national health care. I don't know that that has been brought out enough. But if you go back and look at the national health care program that the Clinton administration brought up in 1993, if you look at what one of the Presidential candidates said, if we can't get the whole enchilada, let's try to do the kids first. This is going back to that.

Mr. SHADEGG. Mr. Speaker, reclaiming my time for a moment, I think it is kind of sad to take a children's bill, a bill that says this is a health care bill for poor, uninsured children, and exploit it. I would be happy to have a debate about how more Americans can get help getting health insurance. As I said, I have had a refundable tax credit to do that. But to try to pass a bill based on its title, and like this reporter says, how can Republicans possibly vote against a bill called the State Children's Health Insurance Program? You can't possibly vote against that.

Well, fortunately, democracy allows us to get into an open debate and say wait a minute. If it really were a bill focused on poor or even near-poor children who are uninsured, we might have a program we could support. But it turns out it is not for the poor or the near-poor, it is not for the uninsured, because more than half already have insurance, and then you discover it's not even for children; it is for adults.

Mr. WESTMORELAND. Let me bring up one point that you mentioned. Open debate. Wouldn't that be a novelty here in this House? It would be nice to offer an amendment, to be able to open the debate. And the fact that the negotiations on this bill has gone on between Democratic House Members and Republican Senate Members. They have not even opened up a dialogue with the chairmen of Energy and Commerce or of Ways and Means to look at pay-fors for this bill.

Mr. SHADEGG. They don't want to talk about it; they just want to peel a few Members off.

I see that we have been joined by one of your colleagues from Georgia, a

medical doctor, Dr. GINGREY. I have been railing against this bill, as you heard me a few moments ago. I have been saying that I find it stunning that the pay-for in this bill contemplates an additional 22 million people who are nonsmokers today needing to take up the smoking habit so they can pay the 61-cent per pack tax in order to have enough money to pay for the bill.

So I did this graphic. I created all these cartons. There are 22 cigarette cartons sitting in front of me, representing 22 million, a million for each carton, new Americans who don't smoke now who would have to take up the habit to pay for the bill.

I think that is a little deceitful. I certainly can't believe that the proponents of this bill would walk down here and say they think it is a great idea to have 22 nonsmokers in America start the habit.

But as a medical doctor, I would sure be interested in your opinion on that issue, or any other comments you have on some of the details on this bill that are important for the American people to know.

Mr. GINGREY. Mr. Speaker, I certainly thank the gentleman from Arizona, a member of the Energy and Commerce Committee. We heard, Mr. Speaker, earlier from Mrs. BLACKBURN, also a member of the House Energy and Commerce Committee. These Members are on the Committee of Jurisdiction from whence the bill came.

Unfortunately, their only input into this CHAMP legislation, as the Democrats originally phrased it in their acronym, their only opportunity, the Republican members of the Energy and Commerce Committee, is to be here on the floor during this Special Order hour to try to educate Members on both sides of the aisle. The gentleman from Arizona has been on the committee for a number of years, and he knows of what he speaks.

Mr. Speaker, talking about this issue of the pay-for, now, the PAYGO idea was the Democrat's campaign pledge, that if they had a new program or they expanded an existing program, and this is an expansion of an existing program, that they would pay for it. They would pay for it by either cutting spending somewhere else or raising taxes.

So this is one of those programs. This is a renewal of a program that has worked very well. It needs some additional funding. I don't think any of us would argue about that. Republicans, as well as Democrats, can support a reasonable renewal and expansion of the Children's Health Insurance Program.

But this is such a massive expansion that the Democrats found themselves in a bind. Mr. Speaker, to this day, they find themselves in a bind, and the bind is they are trying to pay for this with a massive increase, a tax increase, sin tax, if you will, on tobacco, especially cigarettes at 61 cents a pack.

As the gentleman from Arizona pointed out and as my colleague the gentleman from Georgia, Mr. WESTMORELAND, it would require 22 million additional people, grandparents, parents, and, yes, indeed, even the children, to start smoking, to pick up the smoking habit.

Mr. Speaker, I delivered 5,200 babies over a 31-year career as an OB/GYN physician, and I would hate to think that some of those kids who are in their late teens or early twenties now, would have to be puffing away so they could pay for a health insurance program for their little brothers and sisters. Now, that makes a whole lot of sense, doesn't it?

Mr. SHADEGG. If the gentleman would yield back briefly, and I would like him to continue making that point, I have a hunch there are voters out there, people out there across America, people listening to this saying, no, it can't really be true. It couldn't really be true that the SCHIP covers people who are already insured. It couldn't really be true that the SCHIP program that is supposed to be for poor Americans covers kids in families that make $80,000 a year. It couldn't really be true that the Children's Health Care Program in many States covers more adults than children. Those things couldn't be true, but in fact they are.

This chart illustrates the point you were just referring to, and I thought it might be a good graphic for your remarks. This is the number of new smokers needed to provide tobacco tax revenues for the SCHIP bill. As the bill has been written and been voted here on the floor two times now, and as the President vetoed it, this chart shows that this many new Americans, this many new nonsmokers, going up to 22.4 million nonsmokers, to fund the bill by this revenue stream at least, will have to start smoking.

I just find so many aspects of this bill just stunning and unbelievable. But there is one; 22.4 million new smokers will need to take up the habit and pay the tax in order to have the revenues that the Democrats project will be needed for this new SCHIP bill.

Mr. GINGREY. If the gentleman will yield back, in his chart, my colleagues, it is so telling, because as it points out, this is over a 10-year period, up to 2017, but yet this program, all of a sudden they let it fall off the cliff.

The other chart there in front of my colleague from Texas, if you pay attention to that, again, the cigarette tax continues over the next 5 years, and all of a sudden they slash the funding for SCHIP so that the numbers work.

Because even with the cigarette tax, enticing 22 million additional people to get addicted to tobacco over that period of time, it still falls short of funding the full program by $40 billion. So that is why they say at the end of 5 years, around 2012, all of a sudden there is no money. There is not sufficient money. Even though our young people are addicted to cigarettes, puffing away, trying to pay for the program, it doesn't pay for it. So they use this trick, Mr. Speaker, and I think that is really deplorable.

I will close my remarks by saying this and then yield back to my colleague from Arizona who is controlling the time. I know there are other Members that want to speak.

But the original bill that the Democrats brought to us, the Democratic majority in this house, called for not $60 billion worth of funding on SCHIP, but $90 billion. Thank goodness they were reined in a little bit.

They called that the CHAMP Act. Well, I call it, based on what we have presented here tonight in this disingenuous funding mechanism, I call it the CHUMP Act. The only difference in ''CHAMP'' and ''CHUMP,'' I say to my Democratic majority is you; you, the majority, trying to hoodwink the American public on this bill.

Do what is right. You have an opportunity. The President will work with you. The Republican minority will work with you. Just simply do what is right, and for once, tell the truth.

Mr. Speaker, I yield back to the gentleman from Arizona.

Mr. SHADEGG. I just want to emphasize some of the points that the gentleman made. I love the name the CHUMP Act. Again, I think it would be hard for Americans to believe that this program is as it is. For example, these cartons represent, each one of them, 22 cartons of cigarettes, 22 million new Americans that will need to start smoking to pay for the SCHIP bill. I guess you can call that a CHUMP Act, because I don't think 22 million Americans who don't smoke now are going to start.

If the gentleman will stay, I want him to explain that chart one more time. It shows the kid climbing up and then it shows the kid parachuting down. You call it the CHUMP Act. We call it here the cliff.

Maybe you can explain one more time for the voters back home what this cliff means in terms of the funding of the program, because I think it is important for people to understand that it appears the funding is there, but then in year 5, whoops, it disappears.

Mr. GINGREY. What the gentleman is saying, and I thank the gentleman for yielding once again, because the Democrats are determined, Mr. Speaker, to increase this funding to a point that they get 4 million additional children covered under this SCHIP program.

Under the current law, about 6.5 million children in this country, I think close to 300,000 in my great State of Georgia, are covered under the program. There may be 750,000 kids in that income range of 100 to 200 percent of the Federal poverty level up to $42,000 a year for a family of four, as was pointed out early in the discussion, there may be 750,000 kids that have fallen through the cracks.

That is why the President said let's renew the program and increase the

funding by 20 percent. A 20 percent increase is not chicken feed, Mr. Speaker. That is a lot of money.

But what the gentleman from Arizona is referring to in regard to this cliff, if you all of a sudden try to cover an additional 4 million, where are those kids coming from? Well, they are coming from families who already have health insurance for their kids in the private market. Of course, if you get an opportunity, who wouldn't? You are making $60,000 a year and you are providing health insurance for your wife and yourself and your two kids, and all of a sudden you get an opportunity to get the kids on the government trough and you do that, and then you are used to that wonderful largesse of ''Uncle Sugar'' for 4 years, and all of a sudden you get to the point where there is no funding, who comes off first? They do. That is where they drop off the cliff. I thank the gentleman for pointing that out.

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Mr. SHADEGG. I thank the gentleman for participating in this debate. I am thrilled we have a democracy here where, while our colleagues may come to the floor and put up pictures of children and say those mean Republicans don't want to cover children, at least we can bring out some of the facts. We can bring out the fact that there is a funding cliff and that you would have to have 22 million nonsmokers take up the habit to pay for the bill. Unfortunately, we have not been able to offer amendments to correct those deficiencies in the bill.

But we do support health care for poor and near-poor children. I support it for uninsured children. I have introduced every year for the last 10 years a bill that would give a refundable tax credit to every poor American to go out and buy their own health insurance. The reason I like the idea of giving them the money to buy their own care is because they will buy a plan that meets their needs, not some bureaucrat's needs. They will buy a plan based on choice, not based on government rationing of their care. They will buy a plan that their family likes and a plan that they will have control of. And if they don't get the service they want, they can fire that plan and buy another. It would be portable, and they can take it with them.

Instead, we are talking about expanding a government-run program with, quite frankly, a lot of smoke and mirrors that, sadly, people will vote for just because of the name of the bill. Or maybe just because of the name of the bill and because the advocates of the bill can put up a picture of a child and say, Don't you want insurance for that child?

Well, I do want insurance for that child. I just don't want insurance for adults under a program that is supposed to be for children. I don't want insurance for already insured kids causing them to drop their insurance.

We are joined by Mr. HENSARLING from Texas, and I know he has details and thoughts about this program and about how important it is that Americans understand the details of this, so it is not just are you for children or against children. It is a deeper discussion than that. I yield to the gentleman.

Mr. HENSARLING. I thank the gentleman for yielding. I especially thank him for his leadership in this area to try to make health care more affordable, more portable, high quality, and accessible for all of the children in America. The gentleman from Arizona (Mr. SHADEGG) has been a great leader in this effort. I also appreciate his leadership in the conservative caucus in Congress, the Republican Study Committee, and all he has meant to that group in advancing the cause of freedom and free markets in America.

People need to listen closely to this debate. The debate is not about whether or not we are going to have an SCHIP program, a State Children's Health Insurance Program. It is really a tale of two SCHIPs, if you will. People need to know, number one, when they hear America needs to provide health insurance for poor children, well, I am not sure that anybody disagrees with that in America. That is why we have something called the Medicaid program, for the poor in America. So that is a nonissue. That is totally a nonissue.

What we are talking about is health care for the working poor, those up to 200 percent of the poverty level, and the SCHIP program was actually started 10 years ago by a Republican Congress to provide health insurance benefits to, number one, the uninsured; number two, low income; number three, American; and, number four, children. Uninsured, low-income American children. That's what the program was supposed to do. And I don't believe there is one Member of this body on either side of the aisle who wouldn't vote to reauthorize this program today for uninsured, low-income American children. Even though I am a fiscal conservative, I would vote to appropriate more money to ensure that eligible children can be a part of this program.

But, unfortunately, our friends on the other side of the aisle have discovered some new poll or focus group results that say we have this great bumper sticker slogan, and maybe we can somehow put people in a box, maybe we can fool the American people as to what this is all about.

Well, Mr. Speaker, occasionally it is helpful to have the facts. Again, this is a program that was designed for people up to 200 percent of the poverty level, presently $40,000. Yet loopholes and exemptions allow families up to $83,000. I am not sure anybody is going to call that the working poor in America. It is not the working poor in the Fifth Congressional District of Texas. But loopholes and exemptions allow people making up to $83,000 to get these benefits. What the Democrats are doing, they are doing nothing about the loopholes and exemptions; and they are expressly taking the program to 300 percent of the poverty level when there are still eligible children that haven't been enrolled.

So a program designed for the working poor, the Democrats are trying to transform to people making $83,000. And that is not right. It is not right at all.

Second of all, this was a program designed for children. It is called the State Children's Health Insurance Program. And yet we have 13 States that are insuring adults while 800,000 eligible kids aren't enrolled. What does the Democrat plan do? Well, bring on more adults. We have three States covering more adults than children already. So we have precious resources of our Nation instead going to adults, and the Democrats say let's insure more adults. Republicans say let's put the children first. Let's put the children first.

This was a program that was also designed for American children. American children. Now if anybody walks into any emergency room in any hospital in America and they have an emergency, I want them to be treated. We are all God's children. But to have illegal immigrants use emergency rooms and be able to access our health care system for their everyday health care when they are in this Nation illegally, while we still have 800,000 eligible children not enrolled, that is just a tragedy. That is a travesty. That is crazy.

Yet under the Democrat plan, what they do is they claim this isn't for illegal immigrants. Then I ask them why did they take away the proof of citizenship requirements? I mean, your words say something, but your actions are even louder than your words. When you take the proof of citizenship requirement out of the bill, you are de facto allowing more illegal immigrants to access this program.

Mr. SHADEGG. I think the gentleman has made some strong points, and I would like to draw them out.

One of the ones that gets missed so often is we talk about this being a program for poor children. I noticed that the gentleman in his remarks made the point that it really isn't a program for poor children. We have a program for poor children, and that is called Medicaid. That is already in existence. That is one of the points that you made.

Mr. HENSARLING. That's correct. The American people shouldn't be fooled. Those at the poverty level in our Nation are covered by Medicaid.

Mr. SHADEGG. So Medicaid covers poor children, and this program was designed to cover the near-poor or the working poor.

Mr. HENSARLING. It was designed for the working poor up to 200 percent of the poverty level.

Mr. SHADEGG. And now it has been expanded to?

Mr. HENSARLING. Under the Democrat bill, they expressly take it from 200 percent to 300 percent. Yet, you have to read the fine print because even today there are so many exemptions and so many loopholes that there are States that are insuring people up to $82,000 income for a family of four, and they do nothing to bring this back to the working poor.

Mr. SHADEGG. The gentleman's remarks remind me of something I think we already know, and that is certainly with legislation the adage that the devil is in the details is pretty important. I think a lot of our Democrat colleagues, a lot of the majority, think we will put up a picture of a child, we will call it the State Children's Health Insurance Program, and no one can vote against it. And you know what, if it were the State Children's Health Insurance Program for children of the working poor who are uninsured, I would be all for it. But when you get into the details, it ain't quite so.

Mr. HENSARLING. If the gentleman would yield, I have no doubt that 99 percent of this body, Democrat and Republican, today, this moment, this moment would vote to reauthorize a SCHIP program which provides health insurance benefits to the uninsured, to the working poor, to Americans, and finally to children. That's what the debate is about today. That is the main debate we are having today.

Mr. SHADEGG. I think that is an important note. We care about the structure of the bill. My main concern is patient choice. I believe creating government programs and forcing people into those programs is not the preferable way to care for people or to help them. I personally think we would be doing better to give people choice, give them in my case a refundable tax credit and let them buy a health care plan that suits their needs, not to be forced into a government-controlled, government-run bureaucratic, rationed-care program, but give them choice.

I was talking with one of the doctors in our conference earlier today, and he pointed out that the reimbursement rates under SCHIP, because it is a government program, are dramatically lower than under many private programs. So kids who do drop their private health insurance and go on a government-run SCHIP program will actually get worst care.

I know that the gentleman is an expert on budget and finance, and I think that chart demonstrates, and I don't know whether you want to call it hypocrisy or whether you want to call it trickery or whatever you want to call it, it is playing fast and loose with the budget facts on this bill. Maybe the gentleman would like to direct his remarks to that in light of the fact that the cigarette tax, and I have tried to make a big point out of this tonight, that the cigarette tax in the bill isn't enough to fund the bill. It is kind of a scam. It is kind of a scheme.

The cigarette tax in the bill would only fund the bill if 22 million new non-smokers took up the habit and started smoking. So for a graphic, we got 22 cartons of cigarettes, each carton representing another million Americans who would have to start smoking. I thought it would be helpful if the gentleman addressed those issues as well.

Mr. HENSARLING. I thank the gentleman for his insight. And looking at all of the cigarette cartons in front of you, as somebody who used to serve on the board of directors in Dallas, Texas, of the American Cancer Society, I know how seriously devastating the habit of smoking can be to families. I have seen a lot of cancer in the families of friends, something I take very, very seriously.

And to think that now we are going to have a health insurance program ostensibly counting on 22 million more Americans to take up smoking is frankly beyond insulting. It is beyond ludicrous. For the life of me I cannot fathom why any type of system would be created, and then as an irony, and I make this point as an aside, the tax would go mainly to those who are making less than 200 percent of poverty level, the same people that ostensibly this program is due to help. Fifty-four percent of all smokers are in families making less than $42,000 a year.

Mr. SHADEGG. We have this chart which makes the point that the gentleman just brought up. The burden of tobacco taxes falls largely on poor Americans. As a matter of fact, 28 percent of the people who smoke are considered poor. They make less than 100 percent of the poverty level. And 26 percent of the people who smoke are near-poor. They are in that 100 to 200 percent. And for the not-poor, that is only 18 percent of Americans. So this tobacco tax that is supposed to pay for the bill, but it is not enough money to pay for the bill unless millions of Americans, 22 million, take up smoking, post the burden of this legislation on the people who can least afford to pay it.

Mr. HENSARLING. Essentially, under the Democrat plan, you will be taxing people making less than $42,000 a year in order to give subsidies to those making up to $83,000.

Mr. SHADEGG. Wait, wait, wait. I want you to repeat that point because I think it is important.

Mr. HENSARLING. Well, 54 percent of the smokers are in families making less than $42,000 a year. That is 200 percent of the poverty level in 2007. So under the Democrat plan, you would tax people making less than 200 percent of poverty in order to extend subsidies to families making up to $83,000 a year.

Mr. SHADEGG. I think that reason alone, the fact that it is funded by a mechanism that imposes a tax on the poorest Americans to pay for a subsidy to people making over $60,000, and in some instances over $80,000 a year, is reason enough for the President to have vetoed the bill.

□ 1830

Mr. HENSARLING. I thank the gentleman for yielding, and I certainly hope that the President would veto the bill.

And again, our Democrat colleagues know that last month, last week, last night, today, tomorrow, this body stands ready to reauthorize the SCHIP program, as long as it's really going to help the uninsured, as long as it's going to help the working poor, as long as it's going to help children, and as long as those children are American children.

So, a debate is taking place about that, but I'd like to harken back to another point that the gentleman made. As important as this debate is, we need to keep the focus on ultimately how are we going to get affordable health care, accessible health care, health care of high quality to all families across America.

And in many respects, this is not just an economic debate. In many respects, we're not debating how much money we're going to spend on children's health care in America, but we are debating who's going to do the spending.

So, under the Democrat plan, the Congressional Budget Office says that for all intents and purposes over 2 million children will be taken off their chosen health insurance plan and shoved into the government health insurance plan. And you might have seen in the newspaper ''The Politico'' that this was really Senator HILLARY CLINTON's plan from the first, that if she couldn't pass her Canadian-style, socialized health care system in one big bite, that she would do it in little bites.

So there's memos dating back, and I have the document right here, the document right here that's referred to in the article. And if I could quote from the October 2 issue of ''The Politico,'' ''Back in 1993, according to an internal White House staff memo, then-First Lady Hillary Rodham Clinton's staff saw Federal coverage of children as a precursor to universal coverage.

''In a section of the memo titled 'Kids First,' Clinton's staff laid out backup plans in the event the universal coverage idea failed.''

And now we're seeing it. That failed, and so this is really the first step in taking us down that road in that Canadian-style, socialized health care system where ultimately, ultimately mothers in America won't be waiting hours to see a doctor to help their sick children. They will be waiting days. They may be waiting weeks, and it won't be the doctor of their choice. It will be the doctor of some government bureaucrat's choice, and I don't plan to stand idly by and allow that to happen to my children, much less the children in the Fifth District of Texas, much less the children in America.

Mr. SHADEGG. I think we're about to run out of time. I want to thank the gentleman very much for participating in this debate.

I think there are millions of Americans who don't quite understand and who perhaps learned a little more tonight about why the President would

veto this bill and why many of us would vote to sustain that bill, about our concern that it is called a program for the near-poor or the working-poor uninsured children, and it turns out it's not for the near-poor or working-poor uninsured children.

As we've demonstrated in this discussion tonight, it covers people who make up to $60,000 and in some cases $80,000 and more a year. It's not for the uninsured because the original study shows 61 percent of those who became eligible already had private insurance, and under the new bill, one out of every two who become eligible will have already had private insurance, and they'll drop that insurance. And when they do, the cost of the private insurance for everybody else, everyone else who has a child in that private insurance, will go up.

It turns out so it's not for the poor or the near-poor or the working poor. It's not for the uninsured, because we discover it makes millions, 2 million by the latest estimate, children who are already privately insured eligible to go on this program. Then you think, well, the children's health care bill has to be for children and you discover, shock of all shock, the children's health care program isn't for children; it's for adults.

I thank the gentleman. I think the 22 million new smokers is a stunning fact. I'm sorry we haven't been able to offer amendments on the floor. I'm glad this debate gives us a chance to explain to the American people what's going on, and that there's more to this bill than just the title, and it's important to pay attention to these details.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2262, HARDROCK MINING AND RECLAMATION ACT OF 2007

Mr. HASTINGS of Florida (during Special Order of Mr. SHADEGG), from the Committee on Rules, submitted a privileged report (Rept. No. 110–416) on the resolution (H. Res. 780) providing for consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3920, TRADE AND GLOBALIZATION ASSISTANCE ACT OF 2007

Mr. HASTINGS of Florida (during Special Order of Mr. SHADEGG), from the Committee on Rules, submitted a privileged report (Rept. No. 110–417) on the resolution (H. Res. 781) providing for consideration of the bill (H.R. 3920) to amend the Trade Act of 1974 to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers and firms, and for other purposes, which was referred to the House Calendar and ordered to be printed.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this evening, as most Tuesday evenings, I rise on behalf of the 47-member-strong, fiscally conservative Democratic Blue Dog Coalition.

As I sat here, Mr. Speaker, thinking about what I wanted to discuss in this next hour with some of my Blue Dog colleagues, I couldn't help but listen to some of the rhetoric that we've heard over the past hour. You know, for 6 years, for 6 years the Republicans controlled the White House, the House and the Senate. And what did they give us? They gave us tax cut after tax cut for folks earning over $400,000 a year.

And this new Democratic majority, what has the Democrats given you? We are giving you health care for children of working parents. Let me repeat that. This is health care for the children of working parents. This is not for children whose parents are on welfare. They're already covered under a program known as Medicaid, which is health insurance for the poor, the disabled and the elderly.

Some 10 million children in America will go to bed tonight without health insurance, without the ability to go to the doctor when they get sick. And who are they? They're the children of parents who are trying to do the right thing and stay off welfare, but they're working the jobs with no benefits.

While the Republicans were hiding earmarks, the Democrats in this new majority have been passing legislation that says if you're a Member of Congress and if you break the law, you lose your pension, period. And while the Republicans have been on an agenda that benefits those earning over $400,000 a year, the Democrats in this new majority have raised the Federal minimum wage for the first time in 10 years.

If we're serious about moving people from welfare to work, we've got to pay them more than $10,712 a year, which is what the previous minimum wage represented if you worked 40 hours a week, 52 weeks a year, never get sick, and never take a single day off for vacation.

Now, they said that the Democrats are wanting to provide health insurance for children of working parents. We plead guilty to that, and after all, if the working families have been benefiting from some of these tax cuts that primarily benefited those earning over $400,000 a year for the past 6 years, our working families might not need the help, but they do because under the past 6 years of a Republican White House, House and Senate, quite frankly, they haven't got it.

It's time, Mr. Speaker, to tone down the political rhetoric and look at the facts, and as a member of the Blue Dog Coalition, I can tell you what we're all about. We're about fiscal discipline and accountability. We're about putting an end to the partisan bickering. We don't care if it's a Democrat or Republican idea. We ask ourselves, is it a common-sense idea and does it make sense for the people that send us here to be their voice?

Today, the U.S. national debt is $9,063,547,746,613. If you divide that enormous number by every man, woman and child in America, including the children being born today, every one of us, our share of the national debt, $29,888. That's what those of us in the Blue Dog Coalition refer to as the debt tax, D-E-B-T, which is one tax that cannot be cut, cannot go away until we get our Nation's fiscal house in order.

Tonight, we're going to be talking about the debt, the deficit, and as members of the fiscally conservative Democratic Blue Dog Coalition, we're going to be talking about ways to put an end to this reckless spending.

If you ask 100 people on the street what they think about this Iraq war policy, you will get about 100 different answers, but one of the things that unites us as Blue Dogs is we believe that the money that this administration asks for for Iraq should be accounted for. We believe that if this President is going to continue to spend, and this is year 5, if this President is going to continue to spend $16 million an hour, $16 million every 60 minutes going to Iraq, and if this President's going to continue down that path, then we believe we're not here tonight to debate the merits of $16 million an hour going to Iraq, but we're here tonight to hold this administration accountable for how that money is being spent and to ensure that it's being spent not on projects for Iraq but providing the protection and the state-of-the-art equipment that our brave and honorable men and women in uniform not only need but deserve.

This war has affected all of us. My first cousin was in Iraq when his wife gave birth to their first child. He's now back for a second time, and he will be there when she gives birth to their third child. My family's not any different from many families across America.

Many families have made the sacrifice, some of them the ultimate sacrifice, in support of their loved ones who have gone and simply done what they've been asked to do. And Mr. Speaker, if we're going to send our men and women in uniform to Iraq, we need to make sure some of this money is being spent on them, and we need to make sure that we're taking care of them.

At this time, one of the things that the Blue Dog Coalition has done is

we've written legislation known as H. Res. 97 that was drafted by members of the Blue Dog Coalition to ensure accountability for how the money is being spent in Iraq. At this time, I would call on one of the cochairs, the cochair for policy for the Blue Dog Coalition, and that is my dear friend, the cochair for policy for the fiscally conservative Blue Dogs, and this is DENNIS MOORE of Kansas who's going to talk more to us this evening about H. Res. 97, which simply is called, Providing for Operation Iraqi Freedom Cost Accountability, and I thank Congressman MOORE for being a part of this Special Order this evening.

Mr. MOORE of Kansas. I thank Congressman ROSS, and Mr. Speaker, for letting us speak this evening.

The Blue Dogs, as Congressman ROSS said, have introduced H. Res. 97, Providing for Operation Iraqi Freedom Cost Accountability, to address the lack of oversight and accountability with regard to our Federal Government's funding of the war in Iraq.

H. Res. 97 currently has 63 cosponsors, myself included, and puts forward commonsense proposals that ensure future transparency and accountability in the funding of Operation Iraqi Freedom. This, I believe, is an important first step toward making sure that more resources get to our troops in the field and are not wasted on other things. We want to make sure that our brave men and women serving in Iraq and Afghanistan have what they need to do their job.

H. Res. 97 focuses on four crucial points for demanding fiscal responsibility in Iraq: number 1, a call for transparency on how Iraq War funds are spent; number 2, the creation of a Truman Commission to investigate the awarding of contracts to make sure they are fairly awarded and get what they're intended to secure; number 3, a requirement to fund the Iraq war through the normal appropriations process and not through emergency supplementals as we have done throughout this whole war; and number 4, using American resources to improve Iraqi assumption of internal policing operations.

Recently, Mr. Speaker, members of the Blue Dog Coalition worked together with House Armed Services Committee Chairman IKE SKELTON of Missouri to include key provisions of H. Res. 97 in the fiscal year 2008 national defense authorization bill. In doing so, we took the first step toward ensuring complete fiscal transparency in the funding of the war in Iraq.

The American people deserve to know how their tax dollars are being spent and that they're being spent wisely and that our troops have the resources they need to do their job and to protect themselves in the field.

The Blue Dogs, Mr. Speaker, are committed to passing legislation that accomplishes this goal, to give our troops what they need and make sure they have the resources they need to protect themselves as well.

Mr. Speaker, I've been a member of the Blue Dog group for more than 9 years now, and in that period of time I have learned, and I've said this to my folks back home over and over and over again, 80 percent, 85 percent of what we do up here in Congress should not be about Democrats and Republicans. We ought to be working for our people and for our country. And when I say that back home, I see people every time and in the audience sitting there shaking their heads yes. They're tired of the partisanship up here. They want us working together to do what's right for our people and our country.

I have now eight grandchildren, Mr. Speaker, and we have mortgaged their future. Mr. ROSS had a chart up here just a few minutes ago that showed we have a national debt in excess of $9 trillion, and we're passing that debt, Mr. Speaker, on to our children and grandchildren. To me that is immoral.

We ought to change the way we're doing business here in Congress and do like most families. Most American families live within a budget, not all but most, and we should be doing the same thing. That's what our Blue Dog organization is all about, making sure that we, as a Nation, try to live and do live within the resources that we have and not pass this debt on to our children and grandchildren.

I thank Congressman ROSS.

□ 1845

Mr. ROSS. The gentleman from Kansas (Mr. MOORE) is the cochair of policy of the fiscally conservative Democratic Blue Dog Coalition.

As you can see, the 2007 Iraqi war funding, the total cost, $135.2 billion; the cost per month, $11.3 billion; the cost per day, $370 million. That's about $16 million an hour. I helped dedicate and break ground on interstate I–530, which someday will connect I–30 and I–40 in Little Rock through Pine Bluff to I–69 in southeast Arkansas, which could create a economic revival in one of the poorest regions of the country, the delta region.

In my speech in Pine Bluff yesterday I couldn't help but point out in the last transportation reauthorization bill there was about $6 billion for new interstate construction for all of America for the next 5 years. That's about the amount we will spend in Iraq in the next 2 weeks.

Don't get me wrong, let me make it very clear, as long as we have troops in harm's way, I am going to support them and make sure we support them as a Nation in providing them the very best that money can buy and the technology and the equipment they need to do their job as safely as possible and return home to their families. We have to ask ourselves at some point, $16 million an hour going to Iraq means $16 million an hour we don't have to invest in our communities in America, that we don't have to invest in education and homeland security and veterans benefits, and the list is endless.

At some point, at some point we have to demand a new direction in Iraq and begin to invest in America again.

At this time, I would recognize our administrative cochair of the fiscally conservative Democratic Blue Dog Coalition, and that's my good friend, ALLEN BOYD from Florida.

Mr. BOYD. I want to thank my friend MIKE ROSS from Arkansas, the communications cochair of the 47 member strong fiscally conservative Blue Dog Democrats.

I came down here tonight to join him to try to continue to deliver the message to the American people that I think in some ways this administration and this Congress have lost their focus on what's important to keep America great and strong.

I noticed today that the President of the United States and the minority leader and the minority whip stood before the American people and talked about vetoing an appropriations bill which funds the health and education agencies of our Federal Government simply because that bill would increase spending over last year at a rate, I think, of some $9 billion or $10 billion, which is actually below inflationary and population increases. At the same time, the President of the United States has sent in a supplemental request down here for funding for the Iraq war, which I believe is to the tune of $49 billion or $50 billion to get us through the next few months.

I think we have just lost our sense of balance, or our sense of what we have to do to keep America strong and keep it a great Nation. I want to refer, if I could, if we think about those numbers, about an agency of the Federal Government that helps provide health care and education benefits to the people of the United States of America, while we are thinking about that, I want to refer you to a recent report released by the Special Inspector General for Iraq Reconstruction. In that report, we uncovered the waste, fraud and abuse of taxpayers' dollars caused by the lack of necessary oversight by the U.S. Government. This is something that the Blue Dogs have been focused on for a long time, is the government, we as a government being good stewards of our taxpayers' dollars that we take involuntarily from our citizens to run the government, to provide security, transportation and other things, the other functions of a government.

This quarterly report, which details progress in the U.S. Government's reconstruction of Iraq, uncovers continuing problems which have left millions of dollars, billions of dollars unaccounted for and a large number of products unfinished in Iraq. In fact, the Inspector General himself has stated that 40 percent of all projects in Iraq are in danger of not being completed under the original contract and ''virtually every project in Iraq has cost more or taken longer than expected.''

The Inspector General also noted that some projects are never finished.

In one recent case, the Federal Government invested $90 million in a project to overhaul two giant turbines at a plant south of Baghdad. However, the multimillion dollar project, which is critical to providing power in Baghdad, has not been realized because of weak operations and maintenance practices by the Iraqis after the project was turned over in April of 2006.

This report goes on to cite several examples of the same egregious waste, fraud, and abuse. I want to outline some of those; I want to give you six specific examples of the waste, fraud, and abuse identified in this Inspector General report.

Number one was a 50-bed children's hospital in Basra, a 50-bed children's hospital in Basra, Iraq, which was originally expected to cost $50 million. This might be appropriate, because we have heard the previous speakers in the previous hour talk about how SCHIP ought to be vetoed, SCHIP, which would provide health care services to our children here.

We just spent $50 million in Iraq on a children's hospital. That hospital is a full year behind schedule. The contractor responsible for the project left the hospital only about half complete, yet 100 percent over the original cost estimate. We haven't heard a lot of fuss about that from the previous majority.

Number two, due to inefficient oversight by the State Department, the Federal Government spent $44 million on a residential camp for refugees that has never been used. Another $36 million was spent on weapons and equipment which are now unaccounted for.

Number three, oil contract overcharges and contract mismanagement recently cost the U.S. Government $263 million. Oil contract overcharges and contract mismanagement, $263 million.

Number four, due to poor contractor oversight, a failed oil pipeline project wasted nearly $76 million of your taxpayers' dollars.

Number five, according to an Iraqi estimate, $5 billion per year, this is according to the Iraqi estimate, $5 billion per year is wasted due to widespread corruption in Iraq.

Number six, after allocating $17 billion in U.S. funds to the security and justice reconstruction sectors in Iraq, only four of those, 18 of those sectors, only four have transferred to Iraqi control.

This quarter's report also included a financial review of large contractors funded by the Iraq Relief and Reconstruction Fund. International Bechtel is the largest Iraq Relief and Reconstruction Fund contractor, and there were many examples of waste and fraud and abuse discovered in that report when analyzing the Bechtel contracts.

This report analyzed 24 job orders that Bechtel contracted to perform at a total cost to the government of $761.2 million. Of those 24 job orders, only 11 were successfully completed, 10 were incomplete, canceled or transferred to someone else, and the other three, they could not determine status of.

You see that there are many, many problems in Iraq. I think that the American people have figured out that we have some serious, serious problems over there, not only with the policy as it relates to how we keep ourselves secure, but also to our involvement over there and our spending of, as Mr. ROSS has shown you, $135 billion on an annual basis.

That is $16 million an hour, $2.5 billion a week, $135 billion a year; and we seem to, in many cases, send that over there without asking a lot of questions about where the money is being spent and what we are getting for it. At the same time, we talk about vetoing an SCHIP bill which is $7 billion a year, which will go to cover 10 million additional children in the United States of America. I think we have just lost our way in terms of priorities.

I want to wind up by telling our viewing audience that recently I took a trip to Iraq. It was my first visit over there. I led a congressional delegation of five Members, three of whom had never been before and two, it had been several years since they had been. It was a bipartisan delegation, a great group of Members to work with.

We spent several days in the region, one full day in Baghdad. We found that morale of our Armed Forces, our uniformed personnel over there is very strong and very high. I am proud of that, having served, having worn the uniform of this country in Vietnam and served in an era when morale wasn't so high and we lost the support of the American people.

It was refreshing to me to see that our morale is pretty high over there. I think our soldiers are performing what they are being asked to do. They are performing it very well.

What I discovered is that what we are doing over there is policing the streets of Baghdad and refereeing a civil war in Iraq. That's not an appropriate role for the United States military. We don't even allow our military to police our streets here in America.

This role has to be turned over to the Iraqi people. General Petraeus told us that we can train security forces, and we can get them in place, and we can train them, but unless the Iraqi Government can stand up and give them the command and control that they need and the logistical support that they need to be effective, they never will be effective. The Iraqi Government has failed at this point in time to stand up because they are fighting each over their sectarian differences, and we have to come to grips with that.

I will close with that it kind of brought all this into focus for me and how out of kilter we have gotten on things. One of the briefings we have shown was a video that was taken in a fighter plane. I don't know what the cost of that Air Force plane was. It was probably maybe a quarter of a billion dollars, very expensive plane, delivered probably $50,000 to $100,000 worth of munitions to two Iraqis riding a bicycle out of a house.

I thought to myself that we have really lost focus on what our great military is supposed to be used for. We should redirect our resources into a strategy which will provide long-term security for us around the world. That strategy has to be developed, well thought out, obviously, developed through a great deal of diplomacy, a great deal of political acumen and also the appropriate leverage of our great military that we have.

I want to thank Mr. ROSS for putting together this Special Order, but also for the many other Special Orders that you have done to try to deliver the Blue Dog message to the American people. I want to thank you for your service.

Mr. ROSS. I thank the gentleman from Florida (Mr. BOYD), the administrative cochair of the Blue Dogs for his insight and examples of waste, fraud and abuse that's going on with your tax money over in Iraq.

If you have got any comments or concerns or questions of us, you can e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

Again, this is an hour where most Tuesday evenings we come and lead a discussion about accountability and fiscal discipline in our government by the Blue Dog Coalition.

If you are wondering how in the world did we get our name, Blue Dog Coalition, a lot of folks, especially in the South, have heard of a Yellow Dog Democrat, meaning you would vote for a Democrat even if it was a yellow dog as long as it was running as a Democrat. Somewhere along the way we were Yellow Dog Democrats that felt we were being choked blue by the extremes of both parties. Thus the name the Blue Dog Coalition, a group of fiscally conservative, commonsense Democrats that are trying to restore fiscal discipline and accountability to our government.

At this time I am pleased to turn this thing over to a former policy cochair of the Blue Dogs, the gentleman from Tennessee, JIM COOPER.

□ 1900

Mr. COOPER. I thank my colleague from Arkansas.

Mr. Speaker, I'm pleased to join this Blue Dog Special Order hour tonight. I would like to discuss not only the Wartime Spending Accountability Act but also another measure that most of the Blue Dog leadership has been kind enough to cosponsor having to do with reform of all of our entitlement programs.

But first on wartime spending, there is absolutely no question that there's been an astonishing amount of waste, fraud and abuse in this conflict in Iraq. I personally was on the tarmac at the Baghdad Airport when a C–130 plane flew in, and the Air Force did not want us to see that plane land and unload its cargo. Well, why was that? Here are a group of U.S. Congressman standing on the runway and they did not want us to

see a U.S. plane land because of its cargo. Well, what was in that plane that was so secret? Well, the plane landed and they got the forklift out and they unloaded six pallets, very well wrapped up, absolutely full, very heavy. And what was in those pallets? $1.2 billion of U.S. cold hard cash, $100 bills. I've never seen that much money in my life. I'm not sure if any bank in the country keeps that much cash on hand. But that much U.S. currency was flown into Baghdad. Why? We were told it was to go to replenish the Baghdad or Iraqi Central Bank. It certainly had the most elaborate convoy I've ever seen protecting that cash, because if it had been robbed, it would have been the greatest robbery in the history of the world. Now, the tragedy is we don't know how much of that money disappeared once it got to the bank and was in proper hands, because it is widely known that there is massive corruption in that country.

Another incident that most people know about is the fact that U.S. contractors, who are supposed to be handling taxpayer money wisely, have been seen playing touch football with what, a football? No. With small bales of $100 bills. They've been so loose with our money, and they have so much on hand, not in single dollar form, but in bales of $100 bills, that they've been seen playing touch football with that.

Another episode we were recently made aware of is due to the Iraqi Government's inability to pass an oil revenue sharing law. There's been a lot of upset by the Sunnis in al-Anbar province in particular because they're worried they won't get their fair share of Iraq's oil wealth.

Well, recently a shipment was made of millions and millions of U.S. dollars to basically dump this money in a town square in al-Anbar province just to make sure the Sunnis felt better about themselves. That is not a wise use of U.S. taxpayer dollars.

So the Inspector General in Iraq is doing an outstanding job of ferreting out this misuse of U.S. taxpayer money. We have tried here in the House of Representatives on a bipartisan basis to strengthen inspectors general. They are a wonderful mechanism for ferreting out waste, fraud and abuse. We passed a bill to strengthen inspectors general in this House by a vote of 404–11, an overwhelming bipartisan majority. And guess what the administration response was? They threatened to veto that bill. Veto a bill that enjoyed the support of 404 House Members, overwhelming bipartisan support.

I think we need to keep on strengthening inspectors general because they are finding problems with U.S. taxpayer dollars, and we need to root out all this waste, fraud and abuse.

The other topic I wanted to focus on tonight is a different measure. And as important as the war in Iraq is, as important as it is to find misspent U.S. dollars, this topic is even bigger. This has to do with overall U.S. entitlement spending. And the proposal is H.R. 3654. We call it the SAFE Act. What it would do, and my bipartisan cosponsor is FRANK WOLF of Virginia. David Broder actually commented on this bill in his national column today in the newspaper. What it would do is set up a bipartisan commission to study the problem of entitlements for 1 year, then by the time the next President is sworn in, give that new President a commission recommendation that's completely bipartisan, a 50/50 commission. All issues are on the table, so there's no favoritism, no exclusion of certain hot-button issues. And Congress would be required to vote up or down on the finding of that commission as well as on any proposal that the new President or this Congress would like to make.

But the key is, this commission would have teeth. Congress would have to act. Reforms would have to take place, because if you look at our overall entitlement spending, there are severe problems.

According to the U.S. Treasury Department, Medicare alone, which is one of the most important programs in America, Medicare alone is $32 trillion in the hole. $32 trillion. That's many times larger of course than even $32 billion. This is $32 trillion. And their estimate is, if we knew how to measure it, that Medicaid would be in a similar bind. That's probably more than this Congress can handle in terms of problem solving this late in the session, so that's why we think that a bipartisan commission will do the best job and the fairest job and the most bipartisan job of coming up with a solution that we can all support to solve these fundamental fiscal problems.

So I would encourage my colleagues to look at H.R. 3654, the SAFE Act, to try to remedy the entitlement crisis that we face in this country. A wide group of folks from all sides of the political spectrum have supported this measure: the Bipartisan Concord Coalition, for example, the Committee for a Responsible Federal Budget, the Heritage Foundation on the right and the Brookings Foundation, which is more of a nonpartisan organization. So we have wide bipartisan support from the think tanks. We have wide bipartisan support in this body, with some 25 Members from each side of the aisle cosponsoring the measure already. So I hope most of my colleagues can see their way clear to going ahead and cosponsoring H.R. 3654.

But I want to thank my colleague from Arkansas, as my friend from Florida has said earlier, you've taken the lead on many weeks now to bring the message of the Blue Dogs to the American people, that message of fiscal conservatism, that message of centrism, that message of common sense and trying to do what's right for our country.

We're fortunate in the Blue Dogs to have members from all corners of the country, from California to Maine, from Florida to Washington, it's a wide and diverse group, and we're proud of that. But the most important thing is the common sense we try to bring to these debates, because these shouldn't be highly partisan debates. Most Americans can agree when they get around the kitchen table or meet at the Rotary Club back home on what the right thing to do is for the country. We should show a similar amount of common sense here in Washington. So I thank my colleague from Arkansas, Mr. ROSS, for holding this important Special Order.

Mr. ROSS. I thank my colleague and former policy cochair for the Blue Dogs from Tennessee, Mr. COOPER, for his insight on not only Iraq war spending but these other fiscal responsibilities, trying to restore fiscal responsibility to our government and those issues surrounding that.

You mentioned Medicare. Medicare is health insurance for, basically, it's the only form of health insurance most seniors have to either stay healthy or get well, not to be confused with Medicaid, which is health insurance for the poor, the disabled, and the elderly.

Your bill, as you discuss the entitlement programs and find ways to put an end to these deficits, I applaud you for trying to do this in a bipartisan manner and having support on both sides of the aisle.

Do you have any other examples you'd like to share with us on this legislation?

Mr. COOPER. Well, we probably should mention the meeting that you and I had with all the other Blue Dogs with three remarkably distinguished Americans this afternoon because they, too, gave us some insight in our current fiscal situation in this country. I don't think you've mentioned this before earlier in the hour, but former Secretary of Treasury Bob Rubin came to meet with us, as well as former Secretary of Treasury Larry Summers, as well as former Deputy Secretary of the Treasury Roger Altman. One of our group called them actually the dream team of treasury management in recent American history, because under Secretary Rubin, Summers and Altman, we had 8 of the greatest years of growth in all of American history, certainly the longest sustained period since World War II. It was an amazing performance, an amazing feat, one that I hope that future treasury secretaries can try to live up to.

But the key was sound fiscal management. Secretary Rubin in particular set the tone by making sure that the markets in this country were strong, making sure that growth was strong, making sure that prosperity was strong. So it was an amazing thing to hear these three gentlemen.

And they're very concerned today because, unlike the surpluses that were being accumulated in the Clinton administration, especially in the last 3 years, now, of course we've sunk into terrible deficits. And they basically told us today that our number one

problem is a lack of savings in this country, a lack of personal savings, because the average American is having trouble paying their bills, doesn't put anything away for a rainy day, too tempted by credit cards, have to buy things. And now the Christmas season is coming up so there's a lack of personal savings, but there's also a huge lack of government savings, because when you run a large deficit, as we're doing, that's dissavings. That's the opposite of savings. So they pointed out that both things are problems for this country.

And I know the gentleman also enjoyed their presentation. It was quite an honor for the Blue Dogs to have them ask us to share a few thoughts with them. And they are promoting, of course, their Hamilton Project, which is a centrist think tank here in Washington supported by these gentlemen and others to try to bring more common sense to Washington policy debates and economics.

But I thank the gentleman for referring to those issues.

Mr. ROSS. It was a fascinating discussion, and you raise a good point, and that is that it wasn't too long ago that Members of Congress were coming to this floor to debate how to spend a budget surplus, how to invest a budget surplus. You know, it was under President Clinton. I'm proud to say it was a fellow Arkansan from my home town of Hope, Arkansas, where I grew up and graduated high school, who gave us the first balanced budget of any Democrat or Republican President for the first time in what, 40 years?

Mr. COOPER. Since 1969.

Mr. ROSS. And he did that. There were several contributing factors that allowed him to be able to lead us in that direction, one of which was having what's called PAYGO rules on the floor of this very House, something the Republican leadership threw out the door with this new Republican President back in 2001. And what PAYGO rules mean is it means pay as you go. PAYGO is an acronym for pay as you go, which means exactly what it sounds like it means. If you've got an idea for a new program that's going to cost money, you've got to show how you're going to pay for it. No more of just borrowing money from China. If you want to cut taxes for folks earning over $400,000 a year, you've got to show how you're going to pay for it. No more borrowing money from China.

And I'm proud to tell you that in this new Democratic Congress, there's a lot of discussion about the first 100 legislative hours where we raised the Federal minimum wage and where we implemented the 9/11 Commission recommendations, where we said Members of Congress who break the law will no longer receive a pension, where we passed earmark reform, where we have passed SCHIP to ensure that the children of working parents receive health care. We've done a lot in this session of Congress. Unfortunately, a lot of it is sitting over on the Senate's doorsteps waiting for Senate action, which is somewhat disappointing for a lot of us that come here every week and work hard to pass these policy initiatives that are good for working families, good for children and good for seniors.

But not in the first legislative 100 hours, not in the first 9 months of this new 110th Congress under a Democratic majority, but in the first hour on this very floor of the United States House of Representatives, this new Democratic Congress reinstituted a House rule known as PAYGO.

You want to expand on that?

Mr. COOPER. Well, the gentleman's exactly right. An authority of no less than Alan Greenspan said that PAYGO was the most important reform that this Congress could undertake to right our fiscal imbalance.

PAYGO was actually started under the first President Bush in 1990. It was instituted on a bipartisan basis. It worked extremely well for 12 years, from 1990 to 2002. And then sadly the Republican majority here allowed it to expire. And that's when, really, our fiscal wheels started running off the track.

So we swung from a surplus, a surplus that was growing so fast there was actually fear that the United States would be debt free, as if you could be afraid of that, that would have been a glorious moment in our history for our children to be unburdened by interest payments and future generations. That was the prospect when President Clinton left office.

And then to swing from that into, as all Blue Dogs have, we have the debt sign outside of our office. Now it's $9 billion, $29,000 for every man, woman and child in this country. But it's growing so rapidly. And that doesn't even take into account our Medicare, our Social Security, our Medicaid and other entitlement program liabilities. So it's a monster of a problem, and it's going to take a bipartisan commission to deal with it.

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But PAYGO, according to Alan Greenspan and other authorities, was the single most important reform step that we could undertake. The Blue Dogs are responsible for that reform. It's working. I am proud of our Democratic leadership here because they have been remarkably strict in making sure that every bill that reaches this House floor adheres to PAYGO requirements.

And as you said, it is completely common sense. If you want something new, pay for it. Don't charge it. And that is the way America needs to be acting in the future.

So I think it will not inhibit new ideas. It will just make sure that new ideas are fiscally responsible and paid for so we are not adding to the debt load of our kids and grandkids, and, as the gentleman said, not borrowing any more money from foreign countries, because we've done too much of that already.

Many Americans don't realize that President Bush, his administration, has already borrowed more money from foreign nations than all previous Presidents in American history put together. What a sad record to hold, to have borrowed more money from foreign nations than all previous Presidents in American history combined. That's not good medicine for America. That's not good fiscal policy. And the Blue Dogs are leading the way in helping to change that.

Mr. ROSS. That is a national security issue, in my opinion, Mr. COOPER. What if those countries decide to call those loans? What does that mean? The ''dream team,'' Mr. Rubin and the others told us today what it meant, and I think you asked the question. And it means higher interest rates. They will have to raise interest rates in this country to where it's attractive for other countries to buy our paper, to buy our money. That is, I think, directly a threat to our national security.

And to put it in perspective, the total national debt from 1789 through 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion under this Republican President's administration and under his budgets that he sends to Congress. This is a doubling, a doubling, of the 211-year debt in just 10 years. Interest payments on this debt are one of the fastest-growing parts of the Federal budget, and the debt tax is one that cannot be repealed. For every man, woman, and child in this country, you take the national debt and divide by the number of people. It is about $29,000 per person. And that is one tax that cannot be cut until we get our Nation's fiscal house in order.

Our Nation, under this Republican President's budget, is borrowing about a billion dollars a day. But before we borrow another billion dollars a day, we are spending about a half billion paying interest on the debt we have already got.

This puts it in perspective. Interest payments on debt dwarf other priorities, the 2008 budget authority in the billions of dollars. The red box is the amount of money, your tax money, Mr. Speaker, that is going to pay interest on the national debt, to repay the loans to places like Japan and China and the United Kingdom and OPEC and Korea and Taiwan and the Caribbean Banking Centers and Hong Kong and Germany and Mexico.

We talk a lot about education. We talk about how we want our children to receive a world-class education. But the turquoise box, this box, Mr. Speaker, reflects how much of your tax money is going to educate our children compared with the amount going in the red to pay interest on the national debt.

We say we want to keep our promises to our veterans. We say we want to provide our veterans with world-class

health care and housing and education when they return home. But in the green box, Mr. Speaker, you will see the amount of money we're spending on our veterans compared to the red box, the amount of money being spent on interest on the national debt.

And, finally, the purple box, homeland security. Now, I came here in 2001. The first 9 months of 2001, I don't think I ever heard the word ''homeland security'' mentioned once. But that is now a household name, a household phrase, a household word. Homeland security. It make us feel good. We go through the metal detectors at the airport and we feel safer. We take our shoes off and I always take my pen out of my pocket, and we feel safer. And what most of us don't know is about half the belly of a plane is not your suitcase that you saw X-rayed. It's freight, freight that continues to go unchecked. About one out of every 100 containers that enter our ports, five out of every 100 containers, maybe 10 out of every 100 containers that enter our ports are checked.

And what about the food we put in our body? Mr. Speaker, for all the seafood and fruits and vegetables that come into this country from other countries by way of port, do you know how many FDA inspectors there are at those ports? Not per port. But for all the ports in America. For all the seafood, fruits, and vegetables coming into America from all over the world, there are about 70 FDA inspectors. Not per port, not per shift, not counting the ones that aren't sick or on vacation. There are 70 total. Homeland security, the purple box, this is how much we are really investing in protecting our homeland. And that is why a recent nonpartisan assessment indicated that we are less safe today in America than we were on September 11, 2001.

These priorities, education, veterans, homeland security, will continue to go unmet until we get our Nation's fiscal house in order.

Deficits matter. They reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who, as Mr. COOPER pointed out, now own 40 percent of our debt. That's right. Our Nation, the U.S., is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of $2.199 trillion of our public debt. Compare that to only $623.3 billion in foreign holdings in 1993. It's kind of like David Letterman and his top 10 list. The top 10 countries, this Republican administration, this Republican Congress for the past 6 years time after time after time has borrowed money from foreigners to fund tax cuts in this country for folks earning over $400,000 a year.

And whom have we borrowed the money from? Japan, $637.4 billion; China, $346.5 billion; United Kingdom, $223.5 billion; OPEC, $97.1 billion; Korea, $67.7 billion; Taiwan, $63.2 billion; Caribbean Banking Centers, $63.6 billion; Hong Kong, $51 billion; Germany, $52.1 billion.

And rounding out my version of David Letterman's top 10 list, the 10th country that we have borrowed the most money from, number 10 on the list, all this debate these days about immigration policies, and I think we do need to secure the border and I think that we should have those who want to come here and live among us play by the rules, respect our laws, learn English, respect our flag. I believe those things. No amnesty, as Mr. Reagan gave us during his years in office. We learned that doesn't work. But rounding out the top 10, while everybody is focused on immigration: Mexico. The United States of America has borrowed $38.2 billion from Mexico to fund tax cuts in this country for folks earning over $400,000 a year. Those are the facts.

I am pleased to be joined by a fellow Blue Dog from the State of North Carolina, Mr. MIKE MCINTYRE.

I yield to the gentleman.

Mr. MCINTYRE. Thank you, Congressman ROSS, for yielding and thank you for leading this discussion, a very important one, to show the Blue Dogs' commitment to common sense with regard to the American taxpayers' dollar.

And I want to focus, in the few moments we have left, on our commitment to helping business, American businesses, that provide jobs. We know that the Blue Dog Coalition has tried to do everything it could to help our businesses, especially small business, as many of our districts we know look to small business to help that economic engine churn. Indeed, 99 percent of all business is small business. And when we talk about that, it means that we have an opportunity to work with businesses who help to provide better health care for their employees, who also help people to pursue their dreams and provide college education for their children, who help their family members with their personal needs and through our small businesses who help not only with charitable contributions in their communities but community leadership, civic engagement, and a myriad of other positive activities that affect the American family and, indeed, our American communities.

I want to talk about for a moment how we are doing that in very specific ways when we look at prosperity and the protection and the progress we have made in trying to help small business. And what it means is that we use a commonsense approach when it comes to our checkbook, that we don't spend more money than we have, than any of us would do in our own checkbook. And there are three specific ways that I want to remind us this year that the Blue Dogs have sought to do this. And that is through a package that we introduced a few months ago and are continuing to work on that has different ways that we can put together legislation to restore fiscal discipline to the Federal Government after years of budgetary mismanagement and irresponsible deficit spending.

The first part of this legislation is the Blue Dog fiscal accountability package. It is the opportunity for us to be able to strengthen fiscal responsibility and accountability by making sure we do follow the statutory PAYGO rules, or pay-as-you-go, a commonsense term that our leadership has adopted to make sure that we are implementing multiyear discretionary spending caps. This would make sure that we are not spending any more of the taxpayer dollars than we have in our budget, that we get out of the habit of running up the national debt.

And as you pointed out earlier tonight, right now the national debt stands at a figure that means about $29,888 for every man, woman, and child in America. And that is totally unacceptable.

The second part of our legislative package, in addition to making sure we have accountability and honesty in our budgeting, is the Balanced Budget amendment, which so many of us have supported, to provide a constitutional amendment requiring Congress to balance the Federal budget every year. This legislation allows for flexibility during times of war, natural disaster, or economic downturn by giving Congress the ability to waive the balanced budget requirement with a three-fifths vote in the House and Senate. And it also prohibits cuts in Social Security benefits from ever being used in order to balance the budget. So it protects our senior citizens as well.

We have got to make sure that we are paying down this national debt. It's not fair to mortgage our children's future. It's not fair to mortgage our grandchildren's future. It's not fair to put a price tag on every baby born in every hospital in America of $29,000 in debt from the second they take their first breath. And that bill is being put not only on children but on family members of all ages, even our senior citizens. That has to stop.

The third piece of legislation we have also deals with strengthening the budget process, to make sure the Members of Congress have a sufficient amount of time to properly examine legislation and its actual cost implications, to make sure there is transparency in the process and requiring the Congressional Budget Office to have a cost estimate accompany any bill or conference report that comes to the House floor.

And, Mr. Speaker, these are only practical ways that the Blue Dogs are seeking to make sure we have honesty, transparency, and common sense in our budgetary process. The central guiding battle cry that we as Blue Dogs have is make sure that we are accountable and make sure that the taxpayers' dollar is only being used in the most fiscally responsible way, as any of us would want done with our own money. After all, it is the taxpayers' dollars, and that is to whom we are accountable and want to honor.

Thank you for this opportunity to address this to my colleague, and, Mr. Speaker, it is about prosperity for the American Dream. It is about protecting the American taxpayers' dollars and about making sure that we are working together for progress in our society.

Mr. ROSS. Mr. Speaker, I thank the gentleman from North Carolina.

In the remaining four or five minutes we have, I want to turn this over to one of the founders, one of the long-time leaders of the fiscally conservative Democratic Blue Dog Coalition, and that is my friend from Iowa, Mr. LEONARD BOSWELL.

Mr. BOSWELL. Thank you, MIKE. I appreciate my friend from Arkansas giving me this opportunity. And I want to compliment you for the untiring hours you've spent in trying to tell this Nation, this Congress, and all who will listen that it is time to be fiscally responsible. It has been for some time.

And I would like to associate myself with my friend from North Carolina in the comments he just made. Very, very germane to what is going on in our country today. In fact, around the world. And as you can tell, Mr. ROSS, I am one of the older folks around here. I don't know if that's something I should be proud of. I guess I'm proud versus the alternative. But oftentimes people say to me, You're going to be all right. Why are you worried about it so much?

Well, I am worried about it. Yes, at my age I suppose I'm going to be all right. But you know what? I have children and I have grandchildren and I am very proud of them, and I want them to have the opportunities.

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In fact, just like you and you and you and anybody else that's paying attention, we all want it better for our children, that's just inherent. And they're not going to have that opportunity if we don't do something about this. And that's what you display right there on that chart.

That figure of $9 trillion-plus is staggering, and it's growing; it has been for the last number of years. And we went from the opportunity of being in a surplus to this unbelievable deficit situation. And it really ties our hands as to what we can do as we think about our leadership in the world we know today.

This very day I'm quite sure that we've had people from our Treasury Department over in China trying to borrow money so we can continue to run on deficit, and this just won't work. You can't do your business in Arkansas, you can't do it in North Carolina, I can't do it in Iowa, nobody can.

There comes a time when you have to face reality. And Mr. Stenholm used to tell us from time to time that if you realize you're in trouble and going into a hole, the first thing you do is quit digging. And there is something to that. Well, we need to do it, and we need to do it badly.

So, I am pleased to associate with the Blue Dog Coalition, I have been for some time, and the leadership that Mr. ROSS and others, Mr. BOYD and others, have given to trying to make this point come to life in the sense that we've got to do it for our country and for our kids and our grandkids. This is something we must do, and there is just no choice about it.

I think there is a lot of hope for us in the world that we're living in today. I have a lot of hope, and I want to keep it that way. At the same time, I'm fully aware from my travels and from my life experience that the world is in a perilous situation. And we won't always be in this leadership position if we don't take a hold and get our arms around this situation. But we've got to do it.

And as we well know, the time is now at hand, I think it's already here, that China is a superpower. They are certainly going to be if they're not; I think they probably are. India, the demands they're putting on us. The big trade deficits we've got, we can't sustain those. And you put all this in line with this tremendous debt we have and what we're paying for interest annually, it equates to something like $250 billion a year. It equates to one of our major line items for our department. We can't afford to do that, and we have to face reality.

So, I really appreciate the efforts being made by you, Mike, and all of us to try to do something about this, and the fact that the leadership of this Congress has accepted our idea of PAYGO. And it's something we have decided upon and we've got to stick to it. There are going to be a lot of temptations to vary from that. And as we went into the farm bill, for example, it was so hard to do it, but we stuck with it, we worked hard and we came up with a viable solution. We've got to do it in all the things that lay before us. We've got to set the priorities and get those things done.

I see the time is about up. So I yield back to you, Mr. ROSS, for the closing comment, if you would like. I just want to say I appreciate coming here this evening and sharing some of my concerns for this situation at hand. We have to take it as a real situation. It's here. And if we don't do our job, we're going to leave it on our children and our grandchildren, and we don't want to do that.

Mr. ROSS. I thank the gentleman from Iowa.

The gentleman from North Carolina.

Mr. BOSWELL. Just the last word I'll say is we always want to remember it's the taxpayers' money. It's not Washington's money, it's not the government's money, it's the taxpayers' money, and we want to do everything we can to make sure that everything is honored. That's the Blue Dogs' battle cry, and that's where we stand. And I thank you for this opportunity to share in this.

Mr. ROSS. Mr. Speaker, this evening you've heard from Blue Dog members from Kansas, Florida, Tennessee, North Carolina, Iowa and Arkansas. And we're a group of 47 fiscally conservative Democrats that are simply trying to restore common sense and fiscal discipline to our Nation's Government as we try to offer up commonsense, practical ways to put an end to this reckless spending and hold this government accountable for how your tax money is being spent.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you here on the floor of the United States House of Representatives.

And having been a speaker in waiting, I had the privilege to listen to some of the Blue Dogs talk about their budgetary priorities. And I also listened to the reflection of the individual from Iowa, whose cows I represent down there in my territory. And we are good neighbors and we've worked together over the last 5 years that I have been in this Congress.

There always are two sides to an issue, and a number of the statements that were made here I absolutely agree with. I would submit, though, that there is a distinction between us, and that is, I want a balanced budget. I worked for a balanced budget. I called for a balanced budget upon my arrival in this Congress 5 years ago. I've sought to produce those numbers and get that language out on the floor.

My Blue Dog friends also call for a balanced budget, but they're willing to raise the taxes. And they have offered several budgets to this Congress that would have raised taxes in order to balance this budget.

I would submit that we need to balance the budget a different way. We need to do it by controlling spending. And we can do a better job of controlling discretionary spending, but in there is not the answer, not the complete answer to the things that we need to do.

The tax cuts that came from the Bush administration immediately following September 11, 2001, and the next wave of tax cuts that we did in 2003 have stimulated this economy, and they have probably kept us from a recession and maybe even a depression. So, Mr. Speaker, I would submit this: I would take your reflection back to that period of time that was in the end of the Clinton administration, during the campaign of the Bush-Gore campaign in the year 1999 and 2000 and the beginning of the Bush administration. We had this growing, booming economy, and it coupled with serious spending cuts that were brought forth on the floor of this Congress by Republican leadership, the new Republican leadership that arrived here, elected in 1994, sworn in here in the first week of January of 1995, and came in and said, we're

going to do these 10 things, and we're going to work towards a balanced budget. And they actually didn't know that they could accomplish that. But as they brought the spending restraint and the cuts and the efforts to eliminate entire departments, unsuccessful, I might add, Mr. Speaker, that constrained this growth in spending. And by the way, they didn't have any inhibitions about cutting down and limiting the spending that President Clinton wanted to do at the time. They had political opposition, so points were being scored on both sides. And while that was going on, we were holding this budget down. In fact, the government went into shutdown. And there was a time when I thought that the leadership in this Congress should not have blinked. But in the end, regardless of who got the blame, this Congress, had it not had the majority that was here, and I would point out to the Speaker that that was a Republican majority, we would not have had a balanced budget in the 1990s. You would not have seen John Kasich with a T-shirt that said ''back in the black'' with the line of our spending cut down and where we were going into solvency.

But we got into solvency. And I don't get the credit for that, I wasn't here at the time. This Congress got into solvency because it had solid, conservative leadership. And then, as the administration changed from the Clinton administration, which has been lauded here tonight, I believe, to the Bush administration, at the same time we had a dot-com bubble in our economy, there was a growth on Wall Street that capital was being attracted to the information age, that type of industry. And there was a belief that because technology had taken the microchip to the level where we could store and transfer energy more effectively and more efficiently than ever before, there were billions of dollars speculated in dot-com companies on the idea that, with all this technology, we are transitioning from the industrial age into the information age.

And as we go into the information age, Mr. Speaker, the capital that was attracted to those businesses was capital that simply was placed upon the speculation that, because we could transfer and store information more efficiently than ever before, somehow these companies that were formed for that purpose would be able to all make a profit. But the bubble, when it burst, it was the realization that this information, just because we could store it and transfer it more effectively than ever before, didn't necessarily transfer into profit. It couldn't be translated directly into profit because the information storage and transferability that came with the information age, that actually caused the information age, that ability was predicated upon how that information could provide a good or a service more efficiently, or to the extent that that information could be used for recreational purposes.

Now, we understand the good or the service being provided more efficiently. Look at the things that we can do with tracking inventory, for example, or dispatching trucks on the roads of America with the satellite transponders, to be able to sit there at a software screen, if you're dispatching trucks in a nationwide or continentwide trucking company, and be able to see on that screen a little dot where every truck is, be able to click on that and find out when that truck got its last rest, how much rest the driver had, what the maintenance is on the truck, what the cargo is, what the delivery time is, how many miles are left, and be able to have that software package give you a warning on when a load might be late. And we went from keeping significant inventories in our warehouses in America to just-in-time delivery, partly because we could do a more effective job of dispatching trucks.

That's just one of the things that came with the information age, and that's efficiencies that came into this because of being able to store and transfer and calculate more efficiently than ever before. But, a miscalculation that was made by Wall Street was a miscalculation that, because we could store and transfer and calculate more effectively, that it all translated into profit. It did not.

And so the speculators on Wall Street and into the private companies, whether they were publicly traded or whether they were privately traded companies, the speculation part of that was the dot-com bubble. And it burst. And it burst kind of slowly, not like a balloon pop, but kind of a slow letting out of the air. And as that bubble collapsed, that transitioned across the end of the Clinton administration into the beginnings of the Bush administration. And while that was going on, we had corruption that emerged within major companies, within major corporations within the United States. And we know who some of them are, Enron, for example.

And so, as this corruption was corrected and as we saw legislation being passed in this Congress and signed by the President, there was also downward pressure on our stock market because they didn't know how much regulation they were going to get from this Congress, under the pen of the President, what was going to happen. So, how would this Congress react?

Well, as that debate went on, as we began to clean up the corruption that emerged, and thankfully that did happen to a large degree, that went on top of the slow letting out of the air, I call it the bursting of the dot-com bubble, those two pressures downward came downward on our economy. Well, we know that our tax collections are also predicated upon how strong our economy is. And if we have growth, we will have more taxes; if we have a decline, we will have fewer taxes. With the dot-com bubble bursting and the corporation corruption that was being addressed, both suppressed our economy and the tax revenues declined.

While this was going on and as the President was getting his feel of coming into the Oval Office and beginning to become the newly sworn President of the United States, January until September, in September of that same year that the President was sworn in, while he is dealing with the bursting of the dot-com bubble and the corporation corruption, and while this Congress is as well, we had the September 11 attack on the Twin Towers, on the Pentagon, and a plane that crashed in Pennsylvania. That was a direct attack on our national defense center and a direct attack on our financial centers.

And so, Mr. Speaker, all of these things came descending down upon this Nation, focused like a laser beam on the responsibilities of the President of the United States. And the President responded by calling for tax cuts in a wave that came pretty closely after the September 11th attacks. While we were ramping up our defense, while we were ramping up homeland security, while we were setting up the TSA, and today we walk through the airports and there are billions that have been spent for the security just to board airplanes, and you add that to the cost of the expansion of our military, the cost that came because we went, appropriately, into Afghanistan and then in the following year and a half we went then on into Iraq, all of these things were pressures on this economy. And all of them worked against a balanced budget that, the last number I saw it looked like we were going to come in about $158 billion in the red, $158 billion, and one could speculate as to whether that is a hard number, whether it might go up or whether it might go down as a percentage of our overall budget, tells me if we would have had hard-nosed fiscal discipline even on the discretionary spending just in the time that I have been here in 5 years, we would have reached a balanced budget. We would have gotten there just by having spending discipline, not the discipline that says I want to increase spending because I think I see these needs, and if I'm going to do that, then I want to increase taxes. That's the approach that comes, and, admittedly, the Blue Dogs have more discipline than a lot of the folks on their side of the aisle, but they don't have as much spending discipline as I have. I would pull this thing right on down and I would set it out and say, we can get to a balanced budget by having discipline and discretionary spending.

□ 1945

But, Mr. Speaker, that is not really the answer either. That is a constant fight, and it is a diminishing effort to slow down and eventually reduce discretionary spending to balance the budget because the more we do that, it is working in the right direction because it slows growth in government and it holds more personal responsibility and so less spending creates less

dependency. Those are all good things, Mr. Speaker.

But the other side of this is that while we are talking about discretionary spending, the huge elephants in the room, one might speak, or should I say the gorilla in the room, I hesitate to say the donkey in the room, but those huge gorillas in the room are this: Medicare; Social Security; to a lesser extent Medicaid; the entitlements; and then, of course, the growing interest, which we heard about from the Blue Dogs, the growing cost of maintaining the interest. But Medicare and Social Security are the two big ones.

As the President stepped out from his second inaugural address that took place in January right out here in the west portico of the Capitol Building in January 2005 and talked about the position we were in as a Nation and we were poised to hopefully end the war in Iraq and move forward with our economy; the two rounds of tax cuts that we had done had succeeded in rebounding this economy and got us back into a growth mode again, and today we are sitting on 49 consecutive months of growth. Astonishing.

There are astonishing measures of the economic growth in this country. But the President stepped out from that west portico and invested his political capital in addressing the Social Security entitlement, a huge burden that is coming at us. As I listen to the Blue Dogs talk about Social Security, I didn't hear them talk about, this is a bit of an old number, but a number that I recall from a couple of years ago and is at least representative and it will not be precisely accurate today but slightly dated, $1.7 trillion in the Social Security trust fund. That was there a couple of years ago. That trust fund continues to grow today because we are collecting more Social Security than it takes to pay the benefits out to the people that are the recipients of that Social Security.

Now, Mr. Speaker, I don't submit that where we are with this is a good idea. I point that out that there is an account there that presumably we could draw from that is going to address this big entitlement. But it works out like this. Even if that money were going into a lock box, as some said it was, even if that were an account that grew interest at $1.7 trillion and add some more in there over the last couple of years to get that number up, it is probably approaching $2 trillion or more by now, the accumulation in that account goes, it accumulates until about the year 2016. And then it goes the other way. Then we start spending more than we are taking in. And from that year forward, that roughly $2 trillion that will be in there will be spent down by the year, and these numbers aren't the freshest again, but in the neighborhood of 2042, by then the Social Security trust fund is broke. Then what do we do?

I would submit, Mr. Speaker, that, first of all, it wasn't a good idea to put the Social Security money into a trust fund if we were going to spend the money from the trust fund and put it into the general fund. If we were going to borrow the money from the Social Security trust fund and spend it with our overall budget, which we have been doing, that breaks faith with idea that there is a trust fund, because in the end it is an accounting gimmick.

I have in my file somewhere, an electronic file of one of the bonds that are on file. This Social Security trust fund that is approaching $2 trillion is the accounting of it is, yes, electronically but also it is an accounting that is paperwork, actual bonds that are printed on paper that is identical to this paper worth no more than probably not as much as a blank sheet of paper from a copy machine, 8½ by 11. They print these off. I have one that is a sample. I believe it is $3.54 billion on that little sheet of paper that says trust fund account bond for the Social Security trust fund. Those original documents, Mr. Speaker, are on file in a filing cabinet in Parkersburg, West Virginia, ROBERT BYRD's district, and they are there because some enterprising Senator passed legislation that said, you will keep a paper accounting of the Social Security trust fund.

Well, the paper is an accounting. The electronics is an accounting. But the accountability of our Social Security trust fund is the full faith and credit of the people of the United States as represented through the United States Congress, and when the day comes that we need to tap into that Social Security trust fund, which will be a day in about the year 2016 when we start tapping into that, there isn't any money there. It is only there on IOUs from the government to the government, which is the equivalent of writing yourself an IOU and putting it in your pocket. The value is only the value that it reminds us that we have this obligation to keep our sacred trust with the senior citizens of America. I am pledged to do that. Our President is pledged to do that. I think that that is something that is a universal opinion between Democrats and Republicans in this Congress, that we keep our sacred trust with the seniors in America, that we do not diminish their benefits, their anticipated promised benefits, that we keep that intact, that we don't increase the contribution rate, we keep that intact.

But something that we have done if we had had the support of the Blue Dogs, because the Republicans were in support of this, was the President's proposal that we offer people the opportunity if they were young enough to make the actuarials work out, a personal retirement account that could begin to transition some people off of Social Security. They get their Social Security benefits too, but it would supplement that, and then the need to increase that would have diminished over time.

We couldn't get there, Mr. Speaker. We couldn't reform the huge entitlement of Social Security even to keep it actuarially sound. Some said it is a political third rail the President should never have touched. The President says it is a third rail that you if you don't touch it, it is the third rail, but he couldn't and we couldn't get the job done to reform Social Security even though there was no down side for senior citizens, at least a level guaranteed to them, even though there was only an upside for the younger generations, and one of the reasons is the issue got demagogued across this country dramatically.

The President did at least 30 stops across the country. He articulated what this was about. It would have been good if he would have had spokesmen and women from the younger generation, the under-30-somethings that were half as vocal as the 30-somethings that come out here on the floor that would speak up for their opportunity to be able to ensure their retirement without having to become financially destitute when you get from that point where we start out 16 workers for every one retired at the beginning of Social Security, where we are about three to one now and where we will soon get to two to one under this current program.

Mr. Speaker, we need to look into the future. We need a long-term planning approach to the things we do in this Congress. And this electoral process does anything but. It focuses Members on the idea that you get elected, you come down here and swear into office and while you are doing that, there is someone announcing their candidacy to run against you. They're home in the district 6 or 7 days in a week, stabbing you in the media, raising money and trying to unseat you. You are supposed to concentrate on policy when you have someone trying to unseat your political survival from the day you swore in, and you are up for reelection in 2 years.

So this constitutional system that we have, in fact, it is one that I appreciate and revere. In a lot of ways it makes us very responsive to the public. Our fingers are on their pulse. They let us know; we react quickly. This House can move more quickly than the Senate by far if we decide to do it. That is a good thing.

The bad thing is if I called a meeting and said, we are going to start a new long-term planning caucus here in the United States Congress, and invite all 435 Members, you know, if I ordered a lot of good food and advertised it, some would show up. And then after the next week and the next week and the next week, pretty soon there will only be a small handful of people that would be working on something like that just because the system is set up where it focuses us on the things that are urgent, sometimes at the expense of the policy that is important. That is the down side of this constitutional system that sets us up for reelections every 2 years. But if you give us a lifetime tenure, I'm not sure we would solve the problem either.

And you go over to the Senate side and there every 6 years a third of them up for reelection every election cycle and they don't seem to have a lot more interest in long-term planning than we do over here.

So I look to Wall Street. I look to major corporations. I look to the business communities in America for leadership. I am wondering what are they putting together so that we can have economic viability and a healthy populace that can be raising families and bringing up the next generation so that we can continue this American Dream. I watch what they do, and I get the unalterable message from them that their real focus is on their next quarterly report.

Well, I understand that. You have got to produce profit for your investors, and the board of directors is telling you what they want you to do. But where is the leadership in America for long-term vision? Where is the leadership that will take us down this path where we will eventually get to solve the Social Security problem, to solve the Medicare problem, and I will submit the words of George Will which were, democracies function under the lash of necessity.

And we haven't reached the lash of necessity if we are talking about actuarial tables that start going into zero on the Social Security trust fund in 2016 nor a fund that runs out to zero in 2042. That is not the lash of necessity. We need the American people to be looking ahead and demanding that we put long-term plans in place. And that is important that the media, that the philosophers, that the writers, the people that are opinion leaders in America join with us so we can put the pieces in place for a long-term solution to Social Security, Medicare, Medicaid to a lesser degree. All that solves the interest problem, and even then, if we simply had discipline in our spending, we can solve this all with growth, Mr. Speaker.

So if the Blue Dogs want to talk about getting to a balanced budget, I am for that. Let's do so. Let's do it by spending discipline. Let's do it by reforming Medicare. Let's do it by reforming Social Security. By the way, I have a couple of ideas for you on Medicaid. If we can do those things, this budget becomes easy. We need to index our spending then to the factor of inflation which should keep us down below the revenue stream when we have the economic growth that we have if we have good favorable tax policies.

I can go on into subject matter that has to do with reforming the Tax Code that eliminates the IRS and eliminates the entire income tax code. It untaxes all the production in America and puts it on consumption. Mr. Speaker, I would take us all down that path, and I may well run out of time before I can get to that.

But I wanted to address the concerns that were raised by the Blue Dogs. And I would point out that to compare spending, the spending of the National debt to the amount of money that we spend in this Congress on education, I can look through this Constitution that I have in my pocket, and I can't find anything in there that says, thou shalt extract money from the taxpayers to fund education. It is not comparable to the National debt. It is not relevant to the National debt. To the extent we make the decision that we want to invest in education, it is not something that is a legitimate measure.

Neither is it a legitimate measure on the part of the Members on the other side of the aisle. And I believe that includes the Blue Dogs as well. Neither is it a legitimate measure to argue that because we spend billions of dollars in Iraq, we ought to spend billions of dollars on SCHIP. There is no legitimate measure. They are not linked. They can't be linked. But if you want to link them, if you choose to link SCHIP spending to the global war on terror, to the funding that supports our men and women whose lives are on the line in places like Afghanistan and Iraq and other places around the world, if that is your will, to link that spending, then let me associate this for you.

I point it out this way, Mr. Speaker, that if it is a zero sum game, and by presumption it is a zero sum game if we are going to compare national defense spending to the State Children's Health Insurance Program, then the zero sum game comes down to this: How many bullet-proof vests would you deprive our soldiers and marines of in order to fund health insurance for middle, let me say, upper-income kids? Because we are talking about a Congress that passed subsidy for health insurance premiums for families in my State up over $103,000; $103,250, 400 percent of poverty. That was the Pelosi plan. That was, Mr. Speaker, the 400 percent of poverty that passed off the floor of this Congress.

I submit that subsidizing health insurance premiums when people are making over $103,000 a year is an irresponsible expansion of this budget. It cannot be defended within the context of the previous hour that was delivered by the Blue Dogs. It can't be defended by anyone unless it is their will and their intent to move us to socialized medicine.

What is our line here? I will argue that in the 1990s we passed welfare reform. This welfare reform was called workfare in a lot of cases, to move people off of the multigenerational dependency on welfare, move them into work, transition them smoothly so they could get there and observe and recognize and act upon the reality that when people moved off of welfare when they started to earn more income, they would no longer qualify for Medicaid which was, of course, the health care that is provided for the low-income among us. The working poor weren't going to have health insurance for their children.

□ 2000

So this Congress passed SCHIP, the State Children's Health Insurance Plan, to subsidize, in most cases, to replace, to buy the health insurance premiums for working-poor kids, the children of the working poor, so they could transition out of welfare and onto work without losing the health coverage for their children. Pretty good idea. When it passed out of this Congress and went to the States, the States had this opportunity to take it up. We took it up in Iowa. We called it HAWK-I. We called it the Healthy and Well Kids in Iowa.

We set that at 200 percent of poverty. I supported that and adapted some of the language technically and voted for 200 percent of poverty level. That 200 percent of poverty level then grew. The State got an exception where one could exempt 20 percent of the income of a family. So you get into a situation where the 200 percent of poverty, that turns out to be about $41,000 and change a year for a family of four; when you exempt 20 percent of the income, that goes to $51,625.

That is where we are today. I don't call $51,625 the working poor in my State. It might be in some States. It's not the working poor in my State. Most people don't make more than that in the State, but most people provide the health insurance for their families and their children. When it's provided through the employer, this bill that was pushed through this Congress provides a perverse incentive to crowd kids off of private health insurance and put them on the government-funded health insurance. That is the crowd-out factor.

The crowd-out factor was a lot bigger for the 400 percent of poverty. I don't recall that number, as I stand here, Mr. Speaker, but as that bill went over to the Senate and it was negotiated down to 300 percent of poverty, the crowd-out factor became 2 million kids in America that today have health insurance that is paid for by their parents or at the workplace of their parents, and those 2 million kids would be crowded off of their own private insurance rolls and put onto the government-funded insurance rolls.

Now they would match up with a number about 3.8 million kids that don't have insurance today. They have health care, but statistically they don't have insurance. That sometimes is a fluid number. There are people in transition between one policy and another. That is added into that 3.8 million. But the 2 million is a hard number. That is the number of kids that get crowded out, pushed off their own private health insurance.

That is unacceptable. If we are trying to insure children of the working poor, we don't take it up to $103,250 income for a family of four and say we are going to subsidize it up to that point, now we have helped the poor kids, because $103,000 is not poor. That is really wealthy where I come from. That is 400

percent of poverty. That is not the answer to subsidizing health insurance for the kids of the working poor. That is what SCHIP is supposed to be.

Three hundred percent of poverty is what this House passed the last time after it was negotiated in the Senate. That is $77,437 in my State. In some States, it's $83,000. That is not the working poor for a family of four. Probably not for a family of any normal size that we would see today. But that is the standard that this House has passed again. Still, it crowds out 2 million kids. One of my objections, one of my real objections to this is that they have changed the language in this bill. They have changed the language that under current Medicaid qualifier standards there has to be a demonstration of citizenship or a lawful presence in the United States that extends beyond the 5-year prohibition for receiving any welfare benefits here in this country.

That provision has been weakened by an addition to a section in this SCHIP bill, and it has been done so by the majority, and they have done it more than once. When we raised the objection and said that this language has changed and it will provide taxpayer dollar benefits to people who are in this country illegally to give them Medicaid and SCHIP, the majority said, no, that's not true because we have a paragraph in the bill that says none of these funds shall go to fund illegals.

I would submit, Mr. Speaker, that they wouldn't have had to add the language to the bill if they weren't going to do something with it. The language that they added to the bill is scored by the Congressional Budget Office, who analyzed the language and has a job in a nonpartisan way of calculating the impact on our budget, and they concluded it would cost an additional, the changes that open the door to allow people who are deportable to collect health insurance benefits and health benefits in the form of Medicaid, illegals in the United States, the cost to that is, according to the Congressional Budget Office, $3.7 billion in Federal tax dollars, $2.8 billion in State tax dollars. The easy math on that is $6.5 billion all together it costs the taxpayers of the United States to fund Medicaid and SCHIP, most of it, a vast, vast majority of it, for illegals, that if we simply ask the immigration customs and enforcement why don't we deliver that benefit in the form of a voucher and you guys take it up there and hand it over, when they met with most of these people they would have to take them into custody and take them home to the country where they belong.

That is the reality of the law. That is the law, Mr. Speaker. $6.5 billion, and yet I have people here in this Congress and around the country that say: STEVE KING is wrong on this. This bill really doesn't allow for funding to go to illegals. It really doesn't open the door. My answer to that, first of all, is if you think I am wrong, what is your number? Submit to me your number. Would you like to submit zero? Say that to the Congressional Budget Office.

Right here, Mr. Speaker, is the CBO report that shows the $3.7 billion, and the easy math that came from the Energy and Commerce Committee to put the States' share in that comes to $6.5 billion. My question is: If you think I am wrong, what is your number? The second question is: If I am wrong, why is the majority so insistent upon keeping their language in the bill that opens the standards up for Medicaid qualification that just simply says all you have to do is write down a Social Security number and we are going to recommend that the Social Security Administration verify that number, maybe send a letter back to the provider or to the State if that number doesn't match up.

We know how well that works with employment in this country. We have at least 6.9 million working illegals in America. According to the Center for Immigration Studies, those 6.9 million, which may now be 7 or 7.1 million people, at least 55 percent of them have false documentation that they present in order to get the job. That is a Social Security number that has been submitted in the same fashion under the same standard as would be required for Medicaid qualifications. We know how well it is working with hiring illegals in America when you say, give me a Social Security number. It is not working. That is why we are in the middle of this immigration debate, Mr. Speaker.

So, I will submit that that same standard has no chance of working any better if you are going to use it to be able to qualify applicants for Medicaid and SCHIP. It defies logic to think that the Congressional Budget Office hands out a document that says $3.7 billion Federal, and Energy and Commerce calculates the State share of that and it comes to $2.8 billion, and you are at $6.5 billion in cost. Why does it cost $6.5 billion more money, if there is nothing in this bill that funds illegals? And why is the majority going to fall on their sword to protect the language that opens up the standards, if it doesn't change anything? One can't get past that. Facts are inconvenient truths to some people on the other side of the aisle and sometimes on this side of the aisle.

But what I recognize is I have been joined here by my colleague from New Jersey who occasionally will be watching C–SPAN at night and have a thought and a concept that he needs to get out here this evening. So with that in mind, with great gratitude, I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Well, I thank the gentleman from Iowa for giving me the opportunity to address the House.

First, before I begin, let me just say this. I commend the gentleman for your being down here on the floor to, first and foremost, refute the arguments that had been made initially, in your opening statements, refuting the arguments made by the other side of the aisle, where I believe you were getting into the issues of the debt and what have you, and some of the other points you made with regard to our spending levels, and finally on SCHIP.

If I may, I want to address a couple of those. First of all, here we are at the end of October, 10 months into the rule under the new Democrat majority, and we have to ask, what has their leadership wrought? They have brought us the largest tax increase in U.S. history, the creation of slush funds, where a lot that money is going to go to, and the end to the transparency that they promised in the last election that they would bring to this House.

On the first point, as far as the largest tax increase in history, that began initially as soon as the Democrats took control with their budget, a $387 billion tax increase, which basically is too large of a number for any of us to get our hands around. But what it really translates down to is, on average, around a $2,500 to $2,700 increase that every individual in this country will have to take out of their pockets, from the hard-earned money they make, and send down here to Washington so Congress can spend it instead on who knows what it may be. That is where they began.

We know just this past week the chairman of Ways and Means has come out with the ''mother of all tax increases.'' That ''mother of all tax increases,'' of course, basically begs the question of what happens to all the orphaned taxpayers then in this country, those who are now left having to foot the bill for that tax increase.

So I raise these points only because it is truly ironic that the other side of the aisle would come to the floor and raise the issue of the debt level and the spending of Congress, because, when you think about it, they ran on a platform that the Republicans were spending too much, but what was the first thing they did when they came here? They decided that they would spend even more. They ran on the platform that we were taxing too much. And what was the first thing they did once they got here? They raised our taxes. And they have done so repeatedly. They have about half a dozen times now had legislation, just about every single major piece of legislation that has come to the floor so far, that has included some form of tax increase in it.

Now, the gentleman from Iowa raises the point now near the end of his discussion with regard to SCHIP, and I always appreciate his explaining to the American public what the acronym SCHIP really does stand for. SCHIP stands for ''Socialized Clinton-Style Hillarycare for Illegals and Their Parents.'' I will get to that point of illegals in a minute, but let's look at

the overall focus and what the intention is here.

I think it begs the question to ask, is anyone from either side of the aisle not intending working towards making sure all Americans can have the health care that they need? I think we all agree on that.

The next question is, do we not want to make sure then that all American citizens' indigent children get the health care that they need? I think, generally speaking, except for the partisanship and the politicking on the other side of the aisle, I would have to say that all of us agree on that as well.

Then we have to ask ourselves, what is the best mechanism to get there? Is SCHIP and the expansion that the Democrats want to foist on the American public the best way to get there? I would answer that question by saying, no, it is not.

Going in reverse order, the gentleman from Iowa raises the point with regard to illegals, an important point. The Democrats will tell you, don't worry about it. The bill already says in plain language that illegals are not allowed to get these benefits, as if all you need to do is put those words into a bill and that makes it so.

I see on the table over there, I think that looks like your demonstration for the wall. Is that what that is?

Mr. KING of Iowa. Yes.

Mr. GARRETT of New Jersey. You know, we would not need that wall under the Democrat philosophy, because we already have a law that says no illegals may come into this country illegally. If that is all it takes is just to say they can't do it and it won't happen, you don't need that wall. You don't need any surveillance. We don't need any border security guards, because we have a law that says they are not allowed to come into this country illegally. But we know that that is not the way it works. What works is you need enforcement. You suggest enforcement in the form of a wall, and I agree with you on that.

In the area of SCHIP, enforcement means that we need to have a way of verification for an individual when they come to claim American taxpayers' dollars for their own benefit for them to verify that they are legal American citizens entitled to it. And that is all that the Republicans were asking for, some sort of process to make sure that was done.

Now, the Democrats also argue, look, they put in a penalty provision for the States. The Democrats were not willing to actually put an enforcement mechanism in themselves to say how they want to verify the illegals. But the Democrats will say, well, we are going to leave that little question to the States instead and have the States cleverly come up with it. Of course, you and I are all supportive of States being the laboratory of experimentation.

□ 2015

The Democrats then say that is all we need to do. I would suggest that is not all you need to do. The enforcement there is not to say to the States if you mess this up, if you don't enforce the law and allow illegals to get American taxpayer dollars under this program, and therefore potentially deprive other American children of their benefits, it does not say that those States will not receive any Medicaid benefits whatsoever. It does not say that they will not receive SCHIP benefits as well. It just holds the additional funding that goes to those States.

Under the original DRA law that was signed in 2005 and went into effect in July of 2006, for those States under Medicaid where it applied to, we saw a decrease because of the Republican enforcement mechanisms of illegals actually getting those benefits. What the Republicans have simply asked the Democrat majority to allow us to do is to allow those systems that are working to apply to the entire SCHIP process.

So on the point of trying to make sure that only U.S. American citizens get the benefits, Republicans have a plan and it has been working in other aspects of Medicaid, and we wish to expand it.

I yield back.

Mr. KING of Iowa. I thank the gentleman for coming to the floor and giving us a New Jersey perspective on this issue of SCHIP and also the overall budget that we have.

As the gentleman arrived, I was reaching for a quote in my memory and I came up a little bit empty. And so I looked it up while I was listening to the gentleman from New Jersey.

You have heard a number of facts that have been rolled out by the gentleman from New Jersey. You have heard a number of facts that I have rolled out here. I have said they are stubborn things. But it was John Adams who spoke to facts in memorable fashion when he said: ''Facts are stubborn things. And whatever may be our wishes, our inclinations or the dictates of our passion, they cannot alter the state of facts and evidence.'' John Adams, and that was before the Declaration of Independence that he made that statement, as I recall.

And so as we laid these facts out here, this SCHIP initiative that we have today, current law, family of four qualifies in my State up to $51,625. It may be higher than that in New Jersey.

But the bill vetoed by the President and the bill that was passed out of this House last week is a bill that funds up to 300 percent of poverty, family of four, $77,437. That is off of Governor Culver's Web page. By doing the simple calculation that is provided there on whether you qualify or whether you don't, the $51,625, and 300 percent of poverty is pretty simple, you just do the math on that.

This House passed it at 400 percent of poverty. That was the Pelosi plan. The argument is this is not the cornerstone to socialized medicine.

Mr. Speaker, I submit when you cover 95 percent of the kids in America with SCHIP, which you would do once you get up over that 400 percent of poverty, only 5 percent are left on their own insurance. The rest are crowded out. The 2 million who would be crowded off their own insurance plan under this plan which has been vetoed by the President and then brought back in substantive identity to the first bill by the Pelosi-led Congress, that legislation still crowds out a huge percentage of the kids.

I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I will make this last point if the gentleman permits. The definition of a middle-class benefit or entitlement is one that goes to the middle class of America.

The definition, I guess, of a program for the indigent would be a program that is aimed for those who are making less than the average, less than middle-class America.

I wanted to give a couple of numbers. The median, middle, middle income in this country is around $46,000 for a family of four essentially. That is the middle. That would be how we define middle class across the board. Some higher, some lower. That is the middle.

The bill, SCHIP, as it was created initially was for 200 percent of poverty. That would be around $42,000 for a family of four, so less than the middle.

There are some discussions going on literally as we speak right now in what the Senate is looking at to bring this program up to around 275 percent of poverty. That would be $58,000 for a family of four. So if middle, middle-class America is around $46,000, and some are suggesting we should be bringing the coverage up to $58,000, by definition it is a middle-class entitlement. Actually above middle class. Slightly above middle-class entitlement, as a matter of fact. It begs the question if you are trying to set up a program to address the problems of the indigent Americans in this country, why are you bringing the number up so high we are going over the median income in this country.

That is a rhetorical question. I don't think the other side can answer it unless they simply want to be honest with us and tell us they are trying to do what Bill Clinton said back when he was President that he wants universal coverage where the government has socialized medicine, and you will start with indigent children, you will go to all children and eventually you will go to all adults in the entire country. One-fifth of this economy will be encompassed by a government-run health care system, something you and I definitely oppose.

Mr. KING of Iowa. Again I thank the gentleman from New Jersey. I would ask him to point out to the body the acronym of SCHIP that he illustrated in his speech. I know that poster is available, and so I would direct the attention of body to the gentleman from New Jersey and the poster.

Mr. GARRETT of New Jersey. SCHIP. It has another meaning as Republicans initially created it, but we see what the Democrats have morphed it into. SCHIP now stands for Socialized Clinton-style Hillarycare for Illegals and their Parents. That wraps it all right up there. They are willing to go back to what Hillary and Bill Clinton wanted to do, and that was to have a universal, socialized plan that the government would control, literally one-fifth of the economy, health care economy, the same government that gave us FEMA and the way they handled Hurricane Katrina and the same aftermath of Katrina, the same government that gives so many other problems of waste, fraud and abuse, and the same government that gave us the proverbial bridge to nowhere. That Clinton-style type of government, Hillarycare for illegals. As the gentleman from Iowa just pointed out, it is not for American citizens. It is for anyone who simply wants to walk across the border and take the benefits of the hardworking American taxpayers.

Mr. KING of Iowa. I very much thank the gentleman from New Jersey.

I want to point out that this acronym has been out here now for over a week. When it says SCHIP stands for Socialized Clinton-Style Hillarycare for Illegals and their Parents, the criticism that has come for that is that no one has argued with the substance. They simply say, well, this is emotional. It is reactionary. Well, tell me what's wrong? Does this not lay the cornerstone to socialized medicine, to provide for taxpayer-funded insurance for kids and families up over $100,000 for the 400 percent that was brought across this floor in the first place.

Mr. Speaker, does that not lay the cornerstone for socialized medicine? I submit, yes, it does.

And what happens in this county when, under current SCHIP, we have adults on up to age 25, 85 percent of those receiving SCHIP funding in Minnesota are adults. Some argue 92 percent. It is 66 percent in Wisconsin. I mean, these are huge numbers. This isn't for kids the way the system is today. But it is to lay the cornerstone to socialized medicine. I will support that statement.

As John Adams says, facts are stubborn things. Here is a fact about laying the cornerstone for socialized medicine. This is what President Bill Clinton said about achieving socialized health care on September 29, 2000: ''You know, when Hillary and HHS Secretary Donna Shalala and I started working on this back in 1993, we proposed a solution that would have covered all Americans. And it was too much for the system to accommodate at once, so we've gone back, piece, by piece, trying to achieve that. We have now the Children's Health Insurance. Next, we need to deal with the 55 to 65-year-old age group.''

Does anybody think that this isn't part of a plan to lay the cornerstone for socialized medicine when the very words came out of the mouth of Bill Clinton on September 29, 2000? He was still President then.

And a speech he gave here on the floor of Congress on September 22, 1993, where he laid out component after component of the plan to get to Hillarycare. And by the way, it was Hillarycare. It was Hillary working behind the scenes in some secret meetings to put together an overall health care proposal which was socialized medicine.

Mr. Speaker, it was wrong then. It is wrong now. This is the cornerstone of socialized medicine. It is a component of Hillarycare.

Bill Clinton again, September 29, 2000: ''You know, when Hillary and Health and Human Services Secretary Donna Shalala started working on this back in 1993, we proposed a solution that would have covered all Americans.''

Well, a solution that covers all Americans, I would submit, isn't your private health care program, isn't the one that has been built by the free enterprise system, the one that has provided the incentive to do the research and development that has given us the best health care in the world. A system that would have covered all Americans is socialized medicine. That is a definitional fact. This is a direct quote from President Bill Clinton, September 29, 2000.

I say SCHIP stands for Socialized Clinton-style Hillarycare for Illegals and their Parents. It is a matter of historical fact. She met over and over again, and some would say the meetings could have been more lawful. That is not my issue so much as she was driving a health care policy as First Lady as if she were the lead health care policy wonk in America. It collapsed when the American people revolted against it because it was Hillarycare, because it was socialized medicine.

It came to us Clinton-style, but he delivered it here on the floor of the House of Representatives on September 22, 1993. In the year 2000, when he found out they couldn't drive it through, he said, well, we are going to give you a solution that will cover all Americans, but we are going to give it to you a piece at a time.

So when SCHIP passes at 200 percent of poverty, then we will raise it to 400 percent of poverty. This is what the Pelosi Congress wanted to do. These are all facts, these inconvenient, stubborn things. At 400 percent of poverty, you have only about 5 percent of the kids any longer on private health insurance. So the culture to provide for your children's health insurance premium is gone. It is wiped out. It is destroyed by a Congress bent on laying the cornerstone to socialized medicine, SCHIP. Socialized Clinton-style Hillarycare. Those issues are all addressed for what, Mr. Speaker, for illegals and their parents.

I have spoken to this. Here is the CBO score: $6.5 billion increased costs in fundings that are not currently going to illegal recipients of Medicaid, and those funding that currently are going to SCHIP to illegal recipients, that comes from the changes that are in this bill that passed this House last week and the bill the President vetoed, the bill that this Congress refused to override. That $6.5 billion.

They can argue that they changed the language. They did. They were distinctions without a difference, and the proof that it lacks a difference is because the Congressional Budget Office scored, evaluated the cost to taxpayers, at precisely the same dollar amount. Regardless of whether it was the language they first brought or the language that they amended it to, the distinction is without a difference. It still provides for health care for illegals in America.

Mr. Speaker, fact after fact come out here. These inconvenient truths, to quote a famous author in America. I will go down through some that I have missed.

It does weaken citizenship requirements. The loss in taxpayer dollars, the net loss to my State is $226 million. Everybody that has a State where people smoke will pay 61 cents more a pack. When they do that, they will pay more taxes.

It is also a fact that one of the most regressive taxes we have is the tax on tobacco because people less well-to-do tend to smoke more. It is an inverse relationship when they do a little better. We could look into the reasons for that, but we know this. Poor people pay a greater percentage of their income on the current tobacco tax, and will pay a far greater percentage of their income on the proposed tobacco tax. The idea on the part of the Speaker's side of the aisle is you would raise the tobacco tax and, therefore, there would be an incentive for people to smoke less.

□ 2030

I agree there would be, and I'd like to see what those numbers produce and maybe that's a good thing, and I'd like to evaluate that tax policy on that.

But we've got another little problem here, and that is, that in order to fund this increase, we have to have 22.4 million new smokers in America. So we've got to go out there and unleash Joe Camel again and get him out there recruiting the kids in America to start smoking, because if we don't do that, we can't fund their health insurance, and even if we do do that, we're still going to have, according to the first bill they passed at 400 percent of poverty, 70,000 families in America that qualify for SCHIP and still qualify to pay the alternative minimum tax, that tax on the rich.

So I'll submit, Mr. Speaker, that this is a bit of a bizarre proposal, and it's awfully hard to explain the rationale behind it when there are so many conflicting inconsistencies. But in the end, it's a net increase in cost to my State

of $226 million. It will take an increase of 22.4 million new smokers to fund it. It will fund, at 300 percent of poverty, families of four in my State earning $77,473. It will crowd 2 million kids off of the private family and business, job-funded insurance rolls, cost $6.5 billion to fund the illegals that are participating in programs that today are barred from so and add taxes to cigarettes of 61 cents a pack.

Now, you add that all up, those are the facts. Those are the stubborn things. Those are the inconvenient truths that the other side of the aisle has to deal with. I simply called it SCHIP, ''Socialized Clinton-style Hillarycare for Illegals and Their Parents.''

So, Mr. Speaker, in the remaining time, I think that I should do a bit of a demonstration for the sake of popular demand. I wanted to point out for the body that we're spending $8 billion on our southern border, and this is supposed to keep us from the $6.5 billion in costs that are accumulated here under this SCHIP bill that came out of the Pelosi Congress.

But on that border that's 2,000 miles long, $8 billion, that's $4 million a mile. So I thought, you know, I've got a mile of gravel road that runs west of my house, and if Michael Chertoff came to me and he sad I'm going to give you $4 million but it's your job to make sure that only 75 percent of the people that want to cross that road get across and 25 percent of them stay where they are, that's our current efficiency rate that we're getting out of our $8 billion and $4 million a mile on our southern border today. We interdict about 25 percent of those trying, and about 75 percent get across. You might argue it's one out of three, but they'll testify one out of three, one out of four. We stopped 1,188,000 going across that border in the last year that was reported to me. That means about 4 million try. That's about 11,000 a night, 11,000 a night. Twice the size of Santa Anna's army pouring across our southern border, not in the day, at night. Every single night, Mr. Speaker.

What would I do if Michael Chertoff said, I'm going to offer you a contract. I'd bid it. It wouldn't be a no-bid contract. I'd want to compete for this, $4 million for my mile of road. What would I do?

Well, I'd get out there and build something because I know the Humvees cost a lot of money, and uniforms and retirement programs and health plans for our Federal employees cost a lot of money. Now, I love our border patrol. They're doing a great job, and I've been down there to work with them, but I would submit they could use some help. I would give them a little structure. I'd go in there and say, Your job would be a lot easier if we build you a physical barrier. I'd want it double. I'd put the fence in, and I'd build the wall. The wall would be something that would last a long, long time.

This would be the trenched footing that I would put in. It would be slip form, Mr. Speaker, and I would set this trench footing into the ground. I'd drag her along, and I'd pour slip form right behind it. It would look like this from the end. Then I'm going to set it up in this stand, and I'll show you how easy it is to build a wall. It will take about, let me say, $1.2 million, about $1.2 million a mile, and you just simply put this in about like that. That would be a piece of concrete that would be about 13 feet high, 13-and-a-half feet high, about half that for width, and then you pick up your little crane and drop this thing in here. That's about 12,000 pounds per formation.

Mr. Speaker, I thought I heard your gavel as I dropped that in the hole. I apologize for that. I was making a little too much noise.

I would wrap this up simply by then submitting that I believe I have demonstrated how we can protect America at about $1.2 million a mile as opposed to $4 million a mile. I'd encourage this Congress take a good look.

SAFETY RECALLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I thank the Speaker for the recognition.

Mr. Speaker, I come to the floor tonight to talk about a growing, a disturbing trend of food and consumer product recalls in this country, safety recalls. Mr. Speaker, the danger is real. That danger has been widely documented. It's been widely discussed in the media, in committee hearings, the Lou Dobbs show and around the watercooler at work.

Mr. Speaker, parents are afraid. They're afraid that their children are playing with lead-tainted toy sets. Parents are afraid that the magnets in toys or charms may cause internal damage if a child accidentally swallows them. Families are afraid that the food they eat or the food they feed their pets may actually be contaminated with plastic that can cause harm or death to their beloved pet. People are afraid their toothpaste may contain antifreeze. People are afraid that the fish they serve to their families may contain dangerous antibiotics.

Now, I could elaborate about additional concerns, but generally, people are afraid about the source of these products and the dangers attendant to them and rightfully so. Mr. Speaker, people are afraid about defective products being imported into our country, and honestly, it seems like most of these concerns focus around a single country, the People's Republic of China.

Consumers' health and well-being are being endangered on two fronts: the food we eat, the goods we use. Let's use some time tonight, let's spend some time tonight discussing both fronts and what we in Congress can do and should be doing to protect American families from harmful products.

In the arena of food safety, you might ask the question, has anyone in Congress been paying attention to the safety of the food we eat? Well, I feel the answer to that question is yes. We've spent some time in the committee on which I sit, the Committee on Energy and Commerce, and we are pursuing an aggressive investigation and an aggressive legislative agenda to confront the problem.

Now, as a member of the Subcommittee on Oversight and Investigations, we have taken an active role in investigating the safety of our Nation's own food supply. In August, a bipartisan team of investigators was sent to China to see firsthand if they could elucidate the cause of the problem. Now, the committee staff report, the investigators came to the following conclusions from their trip and from their investigation thus far.

Quoting directly from the staff report now, Mr. Speaker, it would appear that the Chinese food supply chain does not meet international safety standards. It is, in fact, responsible for very serious domestic Chinese food poisoning outbreaks.

Number 2, the Chinese Government appears to be determined to avoid embarrassing food safety outbreaks in export markets due to the damaging and potentially lasting effect that this would have on their ''Made in China'' brand.

And thirdly, the lack of meaningful internal regulation of farming and food processing in China, the advanced development of the document counterfeiting industry, and the willingness of some people to simply break the law, the willingness of some entrepreneurs in both China and the United States to smuggle foodstuffs that do not meet quality standards, necessitates a much more vigorous program of inspection and laboratory testing in China and at U.S. points of entry than the Food and Drug Administration has been able or willing to pursue.

Let me say that again, Mr. Speaker, because it's so important. This necessitates a much more vigorous program of inspection and laboratory testing in China and at U.S. ports of entry than the Food and Drug Administration has been able or willing to pursue to date.

Well, Mr. Speaker, these are important conclusions, and we must not simply watch the problem worsen. We must be willing to confront the problem head-on and transform the Food and Drug Administration into an agency that can fully cope with the importation problems of a 21st century world.

The Energy and Commerce Committee is doing their part to do just that. In addition to the staff trip to China, they're in the middle of a series of five hearings to discuss the topic: Can the Food and Drug Administration

assure the safety and security of our Nation's food supply. And what have we learned so far?

Well, let me recapitulate. At the hearing on July 17, 2007, on this very topic a former FDA associate commissioner, William Hubbard, testified that in 1999 the Food and Drug Administration drafted a legislative proposal which would have given the Food and Drug Administration authority to require foreign countries to take more responsibility for the foods that they send into the United States. The agency's proposal would have allowed the Food and Drug Administration to embargo a given food from a given country if there were repeated instances of that food being found contaminated when it arrived in the United States. Countries that send safe food would have no reason to be concerned, as they would be unaffected, but countries that demonstrated a pattern of disregard for U.S. safety standards would have to increase their oversight of food exported from their country.

Unfortunately, Congress did not accept this recommendation in 1999, and neither did the Clinton administration, and the situation with some imported foods from some countries has obviously gotten much worse.

Congress has a chance to examine the problem and consider recommendations on how to solve the problem, but you know, Mr. Speaker, the world was a different place then, and it was difficult to anticipate the acceleration of foreign products coming into our country. Was the safety of food products from foreign countries not a priority for Congress back in 1999? Well, the answer likely is not as much as it should have been, but then, the amount of globalization, the amount of imports was nowhere near what we see imported today.

The question is why we have allowed the problem to persist when we know how much harm these unsafe products have the potential to cause. We may not know the answer to that question right now, but as I stand here tonight to tell you about it, it is absolutely a priority of mine that I intend to do something about it.

October 11, the Energy and Commerce Subcommittee on Oversight and Investigations held the third part of a five-part series on hearings of the Food and Drug Administration's ability to assure the safety and security of our Nation's food supply.

According to testimony given by Mr. David Nelson, the senior investigator for the Energy and Commerce Committee, currently the Food and Drug Administration does not go over and see if the products that are produced in China are done so under the same standards as we depend on here in the United States of America. These are the products that are produced in China that are sent over to the United States for consumption, the products that Americans will be consuming, and they are not produced under American standards.

Now, Ranking Member WHITFIELD asked Mr. NELSON that, well, if you're speaking to a group and a member of the audience asks the question about how safe it is to consume the products produced and imported from China, he answered, and I quote, You are taking your chances on any imported food, end quote.

This is a chance we simply cannot afford to take. America has to have the authority to prohibit these foods from coming into our country if they are not safe. We have to be able to stop the food that we would, quote, be taking our chances on, close quote.

Chairman DINGELL asked Mr. NELSON whether or not the Food and Drug Administration can protect the United States' citizens from unsafe imports with the resources that they currently are applying towards this problem, and the answer was that would be an emphatic no. Not just no, not yes, no, but an emphatic no.

Well, Mr. Speaker, I also asked Mr. NELSON, You were over there for some time. What did you all eat when you were over there? And he replied that they ate the food that was served to them, and this was the food that was also eaten by members of their host country. And I asked him if he had any problem, and he alluded that, yes, some members of the committee did have problems while they were over there.

Now, I also asked him, when I got my chance to question, what protocol they will follow after discovering a contaminated food supply of foods, specifically poultry. And we had a witness during that day, and during my questioning of Mr. James Rice, the vice president and country manager for Tyson Food in China, I asked him, So when you find a problem, do you communicate that to, say, the United States authorities so that they know to be on the lookout for similar products in other facilities? Well, do you know what he said? He simply said, No, we don't.

He explained to me that, because Tyson was using local Chinese suppliers and the products were mostly for the Chinese markets, he simply felt it would not be necessary.

□ 2045

In essence, there would be no dialogue whatsoever. Mr. Rice told me that if persistent problems from one supplier were identified, no one would alert others as to this problematic supplier. There is no system in place to let others know about a bad apple. Well, this is a serious, serious problem.

It was important, so important, that I introduced legislation that relates to the 1999 proposal that was not acted upon by Congress. This is H.R. 3967, the Imported Food Safety Improvement Act of 2007, eight years late. I firmly believe that the Food and Drug Administration needs the ability and the explicit authority to immediately stop dangerous foods and products from coming into this country.

Let me give you an illustration. I could think of it like this: goods are coming into this country on a giant conveyer belt. When you find a bad apple coming down that conveyer belt, the Food and Drug Administration needs to be able to push a big red button with ''stop'' written on it and immediately stop the apple from continuing into the line of commerce.

This legislation would give the Food and Drug Administration this great big red button to push. The idea is simple. If enacted, the Food and Drug Administration would have the authority to embargo a specific food from a specific country if there were repeated instances that the type of food produced had been contaminated.

We frankly need to be able to stop countries from sending harmful food, harmful food products into the United States. So H.R. 3967 will allow us to finally take control of the food that is being sent to America. It would also send a strong message to countries that have, in the past, sent harmful products our way. Solve the problem on your end, or we will take steps to solve the problem on ours.

After a summer of recall upon recall, it's time to take matters into our own hands. I don't know about you, but I am sick and tired of hearing a different news story every week about the new and dangerous products coming in from the People's Republic of China that are being sent to America and then subsequently have to be recalled.

The Health Subcommittee, of which I am also a member, had a legislative hearing on September 26 regarding a bill from Chairman DINGELL, H.R. 3610, the Food and Drug Import Safety Act of 2007.

Having reviewed this legislation, I think the intentions are certainly good. We will look forward to working with the chairman on this issue. I don't support every single provision, but I do support the spirit of the proposed law.

I believe we need to look toward how other Federal agencies have dealt with this issue and whether it would be appropriate to give the Food and Drug Administration similar authorities. According to the Government Accountability Office, 15 Federal agencies, 15 Federal agencies collectively administer at least 30 different food laws related to food safety.

The Food and Drug Administration, which is part of the U.S. Department of Health and Human Services and the Food Safety and Inspection Service, which is part of the United States Department of Agriculture, together comprise a majority of both the total funding and the total staffing of the government's food regulatory system.

However, the food safety laws vary greatly from agency to agency, and not all foods are treated equally. For example, the United States Department of Agriculture, which has jurisdiction over meat, poultry, eggs, has established an equivalency determination, a determination standard for those specific foods.

On October 11, at the third oversight investigation hearing on the Food and

Drug Administration's ability to assure food safety and the security of our Nation's food supply, Under Secretary for Food Safety at the United States Department of Agriculture, Dr. Richard Raymond, gave the following testimony about equivalency. Again, I am quoting: ''Equivalency is the foundation of our system of imports. It recognizes that an exporting country can provide an appropriate level of food safety even if those measures are different from those applied here at home. Food safety and inspection service has always required an assessment of foreign inspection systems before those nations can export to the United States of America. This prior review is mandated by our laws, which originally required that a foreign system be equal to our system before any foreign product can be admitted.''

It has to be equal to our system before they have the able to import under rules put forth by the United States Department of Agriculture. So that's one set.

He further went on to state: ''An exporting country has the burden of proving that its system is equivalent to our own if that country wishes to export to the United States.''

Now, I understand that applying a system of equivalency, the system of equivalency that has been developed by the United States Department of Agriculture, taking that same system and applying it to the Food and Drug Administration, is tough. Because, in fairness, the Food and Drug Administration has about 80 percent of the jurisdiction of imported food to roughly 20 percent that is imported under the jurisdiction of the United States Department of Agriculture. So, clearly, this will be an extremely difficult and onerous task for the Food and Drug Administration to undertake.

Currently, only 33 countries are eligible to import meat or poultry products into the United States. If the exact standard that the United States Department of Agriculture employs was used by the FDA, it would drastically change, and some people might say it would hinder or even cripple the food system if there were not enough resources available to support it.

As former Speaker of the House Newt Gingrich says: ''Real change requires real change.'' Maybe the system should be drastically changed. Consider this: in 2005, 15 percent of the overall food was imported. Between 1996 and 2006, a decade, the amount of U.S. imports of agriculture and seafood products from all countries increased by 42 percent. Furthermore, in the last decade, the volume of Food and Drug Administration-regulated imports has tripled.

Chinese imports to the United States have increased more rapidly than the global average. Between the years 1996 to 2006, the volume of Chinese imports, of the imports of Chinese agriculture and seafood products, increased by 346 percent. China is now the third largest exporter of agriculture and seafood products in the United States only behind our neighbor to the north and our neighbor to the south.

So perhaps our food import system should change drastically. The Food and Drug Administration was created in a time when we were still domestically growing the majority of our own foods. While we do have real issues here at home to deal with regarding our food regulatory system, at least we have a regulatory system to deal with that problem.

This is not the case for all of the countries involved from which we receive food. It seems that it would be common sense that we would only import food from a country if they can prove that their system is as safe as ours. Yet only the U.S. Department of Agriculture can require this, which, once again, controls 20 percent of our food supply, 20 percent equivalency, 80 percent, no match. It seems to me that it may be time to rebalance that portfolio or at least make the 80 percent of the food that's imported as safe as the 20 percent that's under the jurisdiction of the United States Department of Agriculture with their equivalency standards.

Now, it seems to be very arbitrary that the system the United States Department of Agriculture can employ is so much tougher than the system the Food and Drug Administration can employ. Yet at the end of the day, all that food, all that food winds up on the same kitchen table. No one makes a distinction that, well, this is the 20 percent that we got under the jurisdiction of the FDA or the United States Department of Agriculture, and this is the 80 percent we got from the Food and Drug Administration, so we will be much more circumspect about this 80 percent of the food that's on our table than the 20 percent that's under the jurisdiction of the U.S. Department of Agriculture.

That's nonsense. We know that doesn't happen in American homes. Americans don't discriminate food upon the agency that regulates them, nor should they, nor should they be asked to. But it's curious that Congress does. Congress sets forth these dual standards, you might say dueling standards, and Congress must have a candid discussion on whether or not we need to make the systems more comparable. Again, former Speaker Newt Gingrich: ''Real change requires real change.''

Now, Chairman DINGELL's food safety bill is tentatively scheduled to be marked up at both the subcommittee level and the full committee level the week of November 5, that's next week. It's my goal to encourage this frank conversation at the committee level and hopefully Members of both sides of the aisle will continue to have input on this important issue.

Now, we all know, although it hasn't been the experience of late, we all know that the system works best, and we have the most effective legislation for the American people, if the bills are allowed to go through the regular prescribed order.

For the sake of the safety and the sanity of the American consumer, I implore our leadership of the House, our Democratic leadership of the House to allow this important piece of legislation to go through the regular process, let it go through the normal process.

We saw what happened with the reauthorization of the Food and Drug Administration early this year. It was a good product. Although the bill was vastly different coming out than it was going in, I think we have got a better bill at the end of the process. It was worked on by staff, worked on at the subcommittee level, worked on by staff, worked on at the full committee level, went to conference and ultimately we got an FDA reauthorization bill that I thought was quite serviceable.

We saw the system at its worst in the past eight weeks with the State Children's Health Insurance Program where regular order was subverted: here is the bill, up or down, take it or leave it, got to ram it through the committee in 8 hours, got to ram it through the House floor the next day. But, guess what, it's so bad even the Senate won't touch it.

So we come back with a Senate bill, but it's not really a conference product. That SCHIP product that came from the Senate in September was, in fact, a new bill. It could have gone to the subcommittee level, it could have gone to the full committee, it could have been modified, it could have been amended, it could have been reworked, there could have been input from both sides.

If your goal is only the next election, then you are going to do things like we have seen the last 8 weeks with the State Children's Health Insurance Program. If your goal is focused on near-term, mid-term and far-term priorities, if you are worried about what your legislation is going to do to Americans 10 years, 20 years, 30 years from now, you will take the time to do it correctly.

Well, I hope we take the time to do it correctly with the food safety import bill that we will be taking up next week.

Well, let's not allow the issue of protecting our families from harmful and dangerous goods coming over from other countries to become a debate of R versus D, one side versus the other, a political bludgeon, a political wedge, make all the political hay you can because 2008, after all, is going to be a year where it's all politics all the time.

No, we cannot do that. This is something that I am certain holds some resonance in the minds of us all working together, find the most efficient and effective method of solving this crisis and solving it now. It ought to be the priority for every one of us in this House.

Well, let's move from food safety and consider the issue of consumer product

safety recalls. It seems like the Nation is very focused on this issue as well. These days it seems like every time you turn on the TV or open the newspaper, you learn about yet another consumer product safety recall.

While people are generally concerned about the issue of recalls, many people, myself included, are concerned about the source of all of those recalls since it appears to be, and maybe it's just me, but it appears to be that the majority of those recalls all emanate from a single source, a single country. Of course, those are goods that are manufactured in the People's Republic of China.

Christmas, if we can say Christmas on the House floor, Christmas is rapidly approaching. I cannot help but think there would be a huge market, a huge market for any manufacturer who wanted to put the ''Made in America'' label on their toys and products, maybe a little bitty American flag on that toy or product as well.

I encourage retailers, I encourage retailers to think about this. Stock as many ''Made in America'' products as you can. I will bet they are big sellers this year. Since the majority of all of the products that are being recalled this year were made in China, quite honestly, this year, myself and my family have made the personal decision to try to not buy anything with a ''Made in China'' label. We regard it as a warning label, just the same as you would see on a package of cigarettes. Warning: purchasing this product may be hazardous to your health, your child's health or your loved one's health or your pet's health.

Given all the circumstances, it seems like the right thing for me to do and my family. I feel certain that other American families have made similar decisions. I know because I heard about it over and over again during the August recess at town hall meetings. I got the feeling that the Lou Dobbs family is probably among them.

Well, this concern about imported products is real, and it has been substantiated with real data. The United States Consumer Product Safety Commission, which is tasked with the job of trying to safeguard our society from unreasonable risk of injury and death associated with consumer products, informs me that as of this week, 2007, the year 2007, not even completed yet, but so far in year 2007, year-to-date, a record-breaking 472 consumer product safety recalls. Of the 472 consumer product safety recalls, more than 60 percent were manufactured in the People's Republic of China.

Are you beginning to pick up on the repetitive nature of this theme? More than 60 percent of all recall products this past year were made in China.

□ 2100

Furthermore, of the 472 total consumer product recalls, 61 of those recalls affected whom, our most vulnerable members of society, our children. Sixty-one consumer recall products were toys. And how many of those products were manufactured in the People's Republic of China you might ask? Well, I'll tell you. And the figure is illuminating. The figure is astounding. The figure is staggering. The United States Consumer Products Safety Commission estimated that over 90 percent of the toy recalls were made in China.

We'll take our stop button down for a minute because it doesn't seem to be doing any good anyway. Let's look at this. It's not doing any good because we don't have one and we need one.

Now, Mr. Speaker, I'm just a simple country doctor who ran and won the race for Congress several years ago, but I find myself asking myself over and over, what in the world can we do to protect ourselves and our families?

Here's a poster from the Consumer Product Safety Commission that shows just a few of the consumer product recalls for the month of October: trick-or-treat bucket, some type of sword, a sprinkler that looks like a turtle, a child's gardening equipment, a bendable dinosaur, a crash helmet. I don't know what that is. I don't know what that is. A skull and cross bones and a boot. All of these things, and this is not the total amount of recalls, but all of these things were recalled, issued recalls in the month of October alone. For the safety of our families we need to get to the bottom of the cause behind all of the recalls.

Well, Mr. Speaker, I also sit on the Commerce, Trade and Consumer Protection Subcommittee which has jurisdiction over this issue, and our committee is investigating the problem, and in the weeks to come, legislation will be introduced on this issue. We've passed bills individually recently that have dealt with specific issues, the specific safety concerns of consumer products, including a bill that I amended to make ornamental pools safer, and the committee is currently formulating comprehensive bipartisan legislation to strengthen the consumer product safety system in this country. A lot of topics are on the table, including enhancing the commission's recall authority. I firmly believe that we must improve the United States Consumer Product Safety Commission's ability to notify consumers about dangerous products more quickly and on a broader scope.

I am very concerned that there may be a large gap of people and associations that are not receiving the information about the product recalls in a timely manner. As we all know, products are recalled because they have been found to have some element of danger to the consumer and they need to be immediately gathered in and usage stopped and somehow safely discarded.

We always wonder: What are you going to do with all of those lead based toys that come into this country? You can't burn them because we don't want to breathe the lead fumes. You can't bury them in a landfill because we don't want to drink the water that has now had the lead leached out into it. So what are we going to do with all of those lead-contaminated products that are finding their way into our country?

And another aspect, what do you do about nonprofits, Salvation Army, Goodwill? In my hometown of Lewisville, Christian Community Action, that's located in Denton County, they can provide some invaluable resource to their communities because of what they do with recycling used products. But they also have an obligation to make certain that they comply with all of the issues resulting from a recall.

Now, I've been informed by some of the nonprofits back in my home districts in Texas that, through no faults of their own, they are unaware of many of the product recalls and, therefore, the fear is that they could inadvertently sell or resell a recalled product to a family or to an individual. So I'm currently working with the United States Consumer Product Safety Commission to try to close this gap.

Now, this is, Mr. Speaker, this is just a blowup of the Web site listing the Web site up here at the top, www.cpsc.gov, Consumer Product Safety Commission. And on the opening page there is a place where, I've got the arrow pointing to it, but there's a place on the page where you can sign up for e-mail announcements of product safety recalls and certainly encourage nonprofits to take part in that. But realistically, any American consumer, any consuming American family may well want to do the same thing so they get immediate notification through an e-mail-based system if there is a product recall.

Unfortunately, based on the testimony and the work we've seen that has occurred in our committee, I've got to believe that we're nowhere near the end of this. And unfortunately, as we drive further into the Christmas season, we may see other product recalls and they may yet dwarf the size of the recalls. As big as they've been, they may dwarf the size of the recalls that have already occurred this year.

Well, while we continue to try to close the gap through legislation, I encourage Members of Congress and, Mr. Speaker, I know we can't directly address the audience on C–SPAN, but if I could do that, I would ask them to perhaps consider signing up for the product recall safety alerts. It's easy, it's free, and it just might save a life. If you have access to an e-mail account and the Internet, all you've got to do is go to the United States Consumer Product Safety Commission's home page, again, www.cpsc.gov and sign up for free recall and safety news. So, again, www.cpsc.gov. And yes, for people who English is not the primary language, you can sign up in English and in Spanish.

The Consumer Product Safety Commission also has a neighborhood safety

network which is for organizations or even civic-minded individuals to help disseminate information about recalls and posters to members of society who may not be aware of the recalls.

We all know, Mr. Speaker, education can save lives. Unfortunately, though, certain groups of Americans, such as the elderly, urban and rural low-income families, and some minority groups often don't hear about the safety messages from the government. Certainly, additional outreach is needed.

One of the reasons to sign up for the product e-mail alerts is, you know, Mr. Speaker, there may be some unscrupulous vendors out there who, after a recall, after a recall has been issued, may take up and resell these products in a bargain house somewhere. So we want people to have easy and free access to the information so, obviously, they can make the best decisions.

So please help make your community safer by getting the word out about how to get notification on these product safety recalls.

I'm a member of the Neighborhood Safety Network and will disseminate information through my Web site, www.house.gov/burgess. Information available in linking you to the CPSC Web site is available through that Web site as well. Again, www.house.gov/burgess.

Well, with all the talking I've done on this, I'm sure some people, Mr. Speaker, would ask, is there a downside? Is there a dark side of this that we should consider? And the answer is, of course, yes. You must always be cautious of jumping over the line. We all worry about the encroaching reach and grasp of an ever-expanding Federal Government. We worry about things like federalizing our child's toy sets. But at the same time, the Federal Government does have an important duty to the safety and welfare of all Americans. And the last thing you want is for the Federal Government to have control over every item that you buy. But there's got to be a balancing test. And right now, I'm afraid the balance has tipped too far the other way, and the actual protection for the consumer doesn't exist.

I started out the beginning of my talk talking about recalls, and certainly the summer that we've just gone through has been the summer of recalls. We've had several of the individuals come in and testify in our committee about where the process broke down, where it went wrong. Again, there's a way to avoid the recall after recall after recall that we've witnessed the past several months in products coming in from overseas and from one country in particular; and one way to do that would be for manufacturers to increase the manufacturing that takes place in the United States of America. I can think of no better way to market your products than to say with a little American flag and a little ''Made in America'' label on that toy.

I mean, we talked about food safety, Mr. Speaker, at the beginning of this. You know, if I walk into a place that sells chicken, for example, and I can buy 1 bucket of chicken where the product might harm me and it costs $8, and I can buy a different bucket of chicken where the product won't harm me and it costs $9, I'm going to take the $9 bucket of chicken, thank you very much. And we hear over and over again, well, consumers don't want to pay higher prices. They want lower price. No, the consumer wants safe products, and if the consumer has to pay a little bit more to ensure that those products are safe, they're willing to do that, because everyone is sick of recall upon recall upon recall. Don't let the summer of recalls become the fall of recalls, become the winter of recalls, become the election year of recalls in 2008. We have it in our power to stop this process. Begin more manufacturing in this country. Manufacturers who step up and do that, I think, will be handsomely rewarded. Food importers who actually stop all of the importation and work with American farmers to buy American products, I think, will be rewarded. I would pay the extra buck for a bucket of chicken that wasn't going to poison me or my family. And most Americans would feel the same way. I would pay the extra buck for a 50-pound bag of dog food that's not going to give my beloved pet kidney failure and take them from me early.

This is a pretty simple concept. If we can assure the safety in this country, let's move the manufacturing, let's move the production, let's move the farming production to where we know we can have the safety and the oversight that's required.

Mr. Speaker, we have to be vigilant in our plight in restoring safety and trust back to the foods we eat and the products that we use. I believe that the legislation introduced, H.R. 3967, the Food Import and Safety Act of 2007, will further this goal, as will the enhanced recall authority by the United States Consumer Product Safety Commission that we've also talked about tonight.

Compromising the safety of foods we put on our tables is, frankly, not an option. Compromising consumer products we buy for our families is, frankly, not an option. Compromising the security of Americans can never be an option. Compromising cannot be an option that we take because we lack power. H.R. 3967 gives us back that power, gives us that big red stop button. If something's coming in from overseas and, hey, we see it's wrong, we see it's tainted, stop. Stop. Don't let it even come on our shores. Don't let us be the ones that have to dispose of the stuff. Stop it. Send it back where it came from.

We can no longer sit back and allow harmful products to reach our homes. All Americans, my family included, have the choice to take a stance individually and not buy products with those warning labels on them. The warning label, remember, says, ''Made in China,'' because those products have proven to be unsafe.

But we could go a little farther than that. Stricter rules are necessary. And at this juncture I would say it's up to Congress to create and enact those rules and earn back the trust of the American people in the process.

Thank you, Mr. Speaker. You've been very indulgent.

I will yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today after 3 p.m.

Mr. WILSON of Ohio (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 6.

Mr. JONES of North Carolina, for 5 minutes, November 6.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. HASTINGS of Washington, for 5 minutes, October 31.

Mr. PENCE, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 31, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3925. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Standards for Mortgagor's Investment in Mortgaged Property [Docket No. FR-5087-F-02] (RIN: 2502-AI52) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3926. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Counseling Program [Docket No. FR-4798-F-02] (RIN: 2502-AH99) received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3927. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Default Investment Alternatives Under Participant Directed Individual Account Plans (RIN: 1210-AB10) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3928. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Presidential Determination, pursuant to Section 102 (a)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3929. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Amendments to Incorporate a Statement Regarding the ''Sole and Exclusive'' Nature of the Authority that the Regulations of the Office of Government Ethics Confer on Executive Branch Departments and Agencies (RINs: 3209-AA00 and 3209-AA07) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3930. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Virginia Regulatory Program [VA-125-FOR] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3931. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Authorities Delegated to the Director of the Executive Office for Immigration Review, and the Chief Immigration Judge [Docket No. EOIR 125F; AG Order No. 2907-2007] (RIN: 1125-AA27) received October 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Full Moon Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-065] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Marine Events; New River, Jacksonville, North Carolina [Docket No. COTP North Carolina CGD05-07-071] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-031] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Labor Day Celebration Fireworks, Village Beach Fishing Pier, Hog Island Channel, Island Park, NY [CGD01-07-116] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charlevoix Venetian Night Fireworks, Lake Michigan, Charlevoix, MI [CGD09-07-050] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oswego Harborfest 2007, Oswego, NY [CGD09-07-055] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mackinac Bridge 50th Anniversary Celebration, Lake Huron, Mackinaw City, MI [CGD09-07-060] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mackinaw Bridge 50th Anniversary Celebration, Lake Huron, St. Ignace, MI [CGD09-07-061] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USA Wakeboard Nationals, Onondaga Lake, Liverpool, NY [CGD09-07-062] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Petoskey Fireworks Display, Lake Michigan, Petoskey, MI [CGD09-07-108] (RIN: 1625-AA00) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes; with an amendment (Rept. 110–338 Pt. 3). Ordered to be printed.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2787. A bill to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; with an amendment (Rept. 110–415). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 780. Resolution providing for the consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. 110–416). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 781. Resolution providing for consideration of the bill (H.R. 3920) to amend the Trade Act of 1974 to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers and firms, and for other purposes (Rept. 110–417). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SCOTT of Virginia (for himself, Mr. FORBES, Mr. KENNEDY, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. NADLER, Mr. COBLE, Mr. RAMSTAD, Ms. JACKSON-LEE of Texas, Mr. PLATTS, Mrs. NAPOLITANO, and Mr. ELLISON):

H.R. 3992. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. ALTMIRE:

H.R. 3993. A bill to provide for a prohibition on discrimination in employment against certain family members caring for recovering members of the Armed Forces; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself, Mr. RAHALL, and Mr. PALLONE):

H.R. 3994. A bill to amend the Indian Self-Determination and Education Assistance Act

to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 3995. A bill to protect the interests of each resident of intermediate care facilities for the mentally retarded in class action lawsuits on behalf of such resident; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 3996. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3997. A bill to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 3998. A bill to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures; to the Committee on Natural Resources.

By Mr. OBERSTAR (for himself and Mr. DEFAZIO):

H.R. 3999. A bill to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE (for himself, Ms. HIRONO, and Ms. BORDALLO):

H.R. 4000. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY:

H.R. 4001. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINCOLN DAVIS of Tennessee (for himself and Mr. DAVIS of Kentucky):

H.R. 4002. A bill to establish a program to preserve rural multifamily housing assisted under the Housing Act of 1949; to the Committee on Financial Services.

By Mr. HARE (for himself and Mr. MANZULLO):

H.R. 4003. A bill to amend title 28, United States Code, to change the composition of the northern and central districts of Illinois; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H.R. 4004. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the stipends received for working as an election judge; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. SMITH of Texas, and Mr. FORBES):

H.R. 4005. A bill to amend title 18, United States Code, to prevent misrepresentation of their ages by on-line predators as a means for the enticement of children; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky:

H.R. 4006. A bill to suspend temporarily the duty on 3,3'-Dichlorobenzidine Dihydrochloride; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. SMITH of New Jersey, Ms. LORETTA SANCHEZ of California, and Mr. TOM DAVIS of Virginia):

H.R. 4007. A bill to amend the Immigration and Nationality Act to provide citizenship for certain children of United States servicemen born overseas during the Vietnam and Korean Wars; to the Committee on the Judiciary.

By Mr. MAHONEY of Florida (for himself, Mr. LAMPSON, Mr. HODES, Mr. HILL, Ms. BEAN, Mr. MATHESON, Mr. BARROW, Mr. BACHUS, Mr. KLEIN of Florida, and Mrs. BACHMANN):

H.R. 4008. A bill to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself, Mr. CAMP of Michigan, Mr. CONYERS, Mr. DINGELL, Mr. EHLERS, Mr. HOEKSTRA, Mr. KILDEE, Ms. KILPATRICK, Mr. KNOLLENBERG, Mr. LEVIN, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. UPTON, and Mr. WALBERG):

H.R. 4009. A bill to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the ''Turrill Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of Mississippi:

H.R. 4010. A bill to designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, as the ''Minnie Cox Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. UDALL of Colorado (for himself and Mr. PEARCE):

H.R. 4011. A bill to facilitate the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. WILSON of New Mexico:

H.R. 4012. A bill to establish a grant program to provide Native American veterans with language resources to facilitate access to medical services provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. CLYBURN, Mr. INGLIS of South Carolina, Mr. SPRATT, Ms. MOORE of Wisconsin, Mr. HAYES, Ms. BORDALLO, Mr. CONAWAY, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. ROTHMAN, Mr. COHEN, Mr. LAMPSON, Mr. TOWNS, Mr. MCINTYRE, Mr. ROGERS of Michigan, Mr. JOHNSON of Georgia, Mr. ISSA, Mr. BARTON of Texas, Mr. MCCOTTER, Mr. AKIN, and Mr. WALBERG):

H. Res. 777. A resolution offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina, which killed six University of South Carolina students and one student from Clemson University on October 28, 2007; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself, Mr. DREIER, Ms. PELOSI, Mr. WAXMAN, Mr. THOMPSON of California, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. LEE, Mrs. TAUSCHER, Mr. MCNERNEY, Mr. LANTOS, Mr. STARK, Ms. ESHOO, Mr. HONDA, Mr. FARR, Mr. CARDOZA, Mr. RADANOVICH, Mr. COSTA, Mr. NUNES, Mr. MCCARTHY of California, Mrs. CAPPS, Mr. GALLEGLY, Mr. MCKEON, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. BECERRA, Ms. SOLIS, Ms. WATSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. BACA, Mr. CALVERT, Mrs. BONO, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. CAMPBELL of California, Mr. ISSA, Mr. BILBRAY, Mr. FILNER, Mr. HUNTER, Mrs. DAVIS of California, Ms. WATERS, Ms. HARMAN, Mr. THOMPSON of Mississippi, and Ms. RICHARDSON):

H. Res. 778. A resolution honoring the first responders and supporting the victims of the Southern California wildfires; to the Committee on Oversight and Government Reform. considered and agreed to.

By Mr. LATHAM (for himself, Mr. COSTA, Mrs. MUSGRAVE, and Ms. HERSETH SANDLIN):

H. Res. 779. A resolution recognizing the 100th anniversary of the American Society of Agronomy; to the Committee on Agriculture.

By Mr. CAPUANO (for himself, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MCGOVERN, Mr. TIERNEY, Mr. DELAHUNT, Mr. LYNCH, Ms. TSONGAS, Ms. SHEA-PORTER, Mr. HODES, Mr. ALLEN, Mr. MICHAUD, Mr. WELCH of Vermont, Mr. KENNEDY, Mr. LANGEVIN, Ms. DELAURO, Mr. SHAYS, Mr. LARSON of Connecticut, Mr. COURTNEY, and Mr. MURPHY of Connecticut):

H. Res. 782. A resolution expressing the sense of the House with respect to the Boston Red Sox victory in the 2007 Major League Baseball World Series; to the Committee on Oversight and Government Reform.

By Mr. LATOURETTE (for himself and Mr. CALVERT):

H. Res. 783. A resolution expressing the sense of the House of Representatives that the Department of Veterans Affairs National Cemetery Administration employees, volunteers, and veterans' service organizations that perform funeral honors and memorial honor details should be permitted to recite the 13 steps to fold an American flag (known as the ''13-fold recital'') at any national cemetery if requested by the family of the deceased; to the Committee on Veterans' Affairs.

By Mr. MCCARTHY of California:

H. Res. 784. A resolution recognizing and honoring, in community post offices, the service of men and women of the U.S. Armed Forces deployed overseas; to the Committee on Oversight and Government Reform.

By Mr. ORTIZ (for himself, Mr. HALL of Texas, Mr. AL GREEN of Texas, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Mr. REYES, Mr. DOGGETT, Mrs. NAPOLITANO, Mr. SMITH of Texas, Mr.

SERRANO, Mr. GRIJALVA, Mr. PAUL, Mr. EDWARDS, Mr. HENSARLING, Ms. JACKSON-LEE of Texas, Mr. MCCAUL of Texas, Mr. PASTOR, Mr. SHUSTER, Mr. POE, Mr. BARTON of Texas, Mr. LAMPSON, Mr. GONZALEZ, Mr. CONAWAY, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mrs. BOYDA of Kansas, Mr. SAXTON, and Mr. SALAZAR):

H. Res. 785. A resolution recognizing the 100th Anniversary of Robstown, Texas; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WALSH of New York introduced a bill (H.R. 4013) for the relief of Maria Manzano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Mr. BISHOP of Georgia.
H.R. 405: Mr. TERRY.
H.R. 460: Mr. PAUL, Mr. SERRANO, and Ms. ZOE LOFGREN of California.
H.R. 464: Mr. SMITH of Washington.
H.R. 503: Mr. GENE GREEN of Texas.
H.R. 538: Mr. PAUL and Mr. BACA.
H.R. 620: Mr. RYAN of Ohio.
H.R. 699: Mr. CAMP of Michigan.
H.R. 749: Ms. FOXX.
H.R. 758: Mr. PLATTS.
H.R. 882: Mr. ELLSWORTH, Mr. HARE, and Mr. BISHOP of New York.
H.R. 887: Mr. MCGOVERN, Mr. TIBERI, and Mr. SIRES.
H.R. 943: Mr. THOMPSON of California.
H.R. 997: Mr. JORDAN of Ohio and Mr. BAKER.
H.R. 1110: Mr. MOLLOHAN, Mr. COURTNEY, Mr. ROGERS of Kentucky, and Mr. DICKS.
H.R. 1174: Mr. HARE.
H.R. 1201: Mr. PICKERING.
H.R. 1236: Ms. GIFFORDS.
H.R. 1237: Ms. SOLIS, Mr. ISSA, Ms. KAPTUR, and Mr. HALL of New York.
H.R. 1275: Mr. BECERRA.
H.R. 1280: Mr. MOORE of Kansas.
H.R. 1282: Mrs. MCCARTHY of New York.
H.R. 1283: Mr. YARMUTH.
H.R. 1293: Mr. LANGEVIN.
H.R. 1304: Ms. SLAUGHTER and Ms. WASSERMAN SCHULTZ.
H.R. 1420: Ms. KAPTUR and Ms. CARSON.
H.R. 1621: Ms. BALDWIN.
H.R. 1644: Mr. SHULER.
H.R. 1647: Mr. SERRANO, Mr. ROHRABACHER, and Ms. LEE.
H.R. 1655: Mr. SOUDER.
H.R. 1713: Mr. BRADY of Pennsylvania.
H.R. 1732: Mr. MOORE of Kansas.
H.R. 1738: Mr. BAIRD.
H.R. 1742: Mr. DAVID DAVIS of Tennessee.
H.R. 1884: Mr. KING of Iowa, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, and Mr. FRANK of Massachusetts.
H.R. 1927: Mr. LANGEVIN.
H.R. 1937: Mrs. BLACKBURN and Mr. ALTMIRE.
H.R. 1975: Mr. HARE.
H.R. 1983: Mr. KING of Iowa.
H.R. 1992: Ms. BERKLEY, Mr. RODRIGUEZ, Mr. MILLER of North Carolina, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. PALLONE, and Mr. OLVER.
H.R. 2032: Ms. CORRINE BROWN of Florida.
H.R. 2045: Mr. GERLACH.
H.R. 2073: Mr. COHEN.
H.R. 2158: Mr. KNOLLENBERG.
H.R. 2164: Mr. CALVERT.
H.R. 2230: Mr. MATHESON.
H.R. 2234: Ms. KILPATRICK and Mr. LANGEVIN.
H.R. 2266: Mr. LEWIS of Georgia.
H.R. 2327: Mr. CAMPBELL of California and Ms. ROYBAL-ALLARD.
H.R. 2329: Mr. ALTMIRE.
H.R. 2405: Mr. BACA and Mr. BARTLETT of Maryland.
H.R. 2406: Mr. UDALL of Colorado and Mr. SESTAK.
H.R. 2464: Mr. BURGESS.
H.R. 2511: Ms. DEGETTE and Mr. MCGOVERN.
H.R. 2514: Mr. BOUCHER, Ms. MOORE of Wisconsin, Mr. EMANUEL, Mr. SALAZAR, and Mr. HINOJOSA.
H.R. 2516: Mr. SESTAK.
H.R. 2677: Mr. GERLACH.
H.R. 2695: Mrs. BOYDA of Kansas, Mr. LARSON of Connecticut, and Mr. FALEOMAVAEGA.
H.R. 2758: Mr. COHEN.
H.R. 2762: Mr. CARNAHAN, Ms. CASTOR, Ms. SOLIS, Mr. SESTAK, Ms. SUTTON, Mr. GOODE, Mr. AL GREEN of Texas, Mr. MURTHA, Mr. MARKEY, Mr. PEARCE, Mr. KAGEN, Mr. BUCHANAN, Mr. BISHOP of Georgia, Mr. MITCHELL, Mr. PATRICK MURPHY of Pennsylvania, Mr. PETERSON of Minnesota, Mr. WYNN, and Mr. BECERRA.
H.R. 2768: Ms. CLARKE and Mr. MATHESON.
H.R. 2862: Mr. SHAYS.
H.R. 2878: Mr. SPACE, Mr. LANTOS, Mr. GOHMERT, Mr. STARK, Mr. MATHESON, Mr. MCNERNEY, Mr. PASTOR, Mr. COHEN, Mrs. TAUSCHER, Mr. FRANKS of Arizona, and Mr. UDALL of Colorado.
H.R. 2914: Mr. GERLACH and Mr. GENE GREEN of Texas.
H.R. 2943: Mr. WEINER, Mr. INSLEE, Mr. CARDOZA, Mr. COSTA, Mr. HASTINGS of Washington, Ms. GIFFORDS, and Ms. SCHAKOWSKY.
H.R. 2996: Mr. JONES of North Carolina.
H.R. 3005: Mr. GOODE and Mr. CUMMINGS.
H.R. 3029: Mr. ENGEL, Ms. LEE, and Mr. VAN HOLLEN.
H.R. 3036: Mr. SCOTT of Virginia and Mr. MORAN of Virginia.
H.R. 3042: Mr. OBERSTAR and Mr. BOUCHER.
H.R. 3045: Mr. TOWNS, Ms. MATSUI, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. DEFAZIO, and Ms. BALDWIN.
H.R. 3053: Mr. KUCINICH.
H.R. 3119; Mr. HONDA, Mr. MCDERMOTT, Ms. SHEA-PORTER, Mr. TOWNS, and Mr. FRANK of Massachusetts.
H.R. 3179: Mr. BURTON of Indiana and Mr. TERRY.
H.R. 3298: Mr. LANGEVIN.
H.R. 3326: Mr. CARNAHAN.
H.R. 3348: Mr. FOSSELLA.
H.R. 3378: Mr. BLUMENAUER, Mr. ENGLISH of Pennsylvania, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Mr. ABERCROMBIE, and Mr. MEEKS of New York.
H.R. 3403: Mr. WELLER.
H.R. 3457: Mr. POE and Mr. BRADY of Texas.
H.R. 3461: Mr. MCINTYRE, Mrs. BLACKBURN, Mrs. LOWEY, and Mr. SPACE.
H.R. 3481: Mr. GONZALEZ.
H.R. 3488: Mr. MCCOTTER.
H.R. 3495: Mrs. LOWEY, Mrs. MALONEY of New York, and Mr. MELANCON.
H.R. 3531: Mr. ALEXANDER.
H.R. 3533: Mr. PETERSON of Minnesota, Mr. ALTMIRE, and Mr. MCCAUL of Texas.
H.R. 3541: Mr. TIM MURPHY of Pennsylvania.
H.R. 3543: Mr. ROTHMAN and Ms. SUTTON.
H.R. 3548: Mr. SPACE, Mr. MORAN of Virginia, and Mrs. DAVIS of California.
H.R. 3561: Mr. FARR.
H.R. 3585: Mr. COURTNEY.
H.R. 3631: Mr. HOLT.
H.R. 3633: Ms. HOOLEY.
H.R. 3650: Mr. SOUDER, Mr. PENCE, and Mr. GOODLATTE.
H.R. 3665: Mr. GONZALEZ.
H.R. 3689: Mr. SALAZAR and Mr. PLATTS.
H.R. 3691: Ms. BORDALLO, Mr. ALTMIRE, Mr. JEFFERSON, Mr. CHANDLER, and Mr. LYNCH.
H.R. 3692: Mr. GONZALEZ.
H.R. 3696: Mr. ROGERS of Alabama and Mr. YARMUTH.
H.R. 3697: Mr. FOSSELLA and Mr. COOPER.
H.R. 3700: Mr. HARE, Mr. PETERSON of Minnesota, and Mr. GRIJALVA.
H.R. 3707: Mr. MCCOTTER.
H.R. 3750: Mr. HINOJOSA, Ms. KAPTUR, and Mr. SPACE.
H.R. 3781: Mr. MANZULLO.
H.R. 3786: Mr. KAGEN, Mr. TERRY, and Mr. SHULER.
H.R. 3797: Mr. DENT and Mr. CHANDLER.
H.R. 3800: Mr. FERGUSON and Mr. TOWNS.
H.R. 3820: Ms. SUTTON.
H.R. 3833: Mr. MCCOTTER.
H.R. 3845: Mr. KAGEN, and Mr. MCCAUL of Texas.
H.R. 3846: Ms. MATSUI, Mr. FILNER, Mr. ABERCROMBIE, Mr. DAVIS of Alabama, Mr. SCOTT of Georgia, and Mr. RYAN of Ohio.
H.R. 3852: Mr. ELLSWORTH and Mr. LEWIS of Kentucky.
H.R. 3861: Ms. BERKLEY and Mr. LATHAM.
H.R. 3865: Mr. PLATTS and Mr. MCNULTY.
H.R. 3914: Mrs. CAPPS.
H.R. 3916: Ms. GRANGER.
H.R. 3947: Mr. BOUSTANY, Mr. TERRY, Mr. KIND, and Mr. ABERCROMBIE.
H.R. 3951: Mr. HASTERT.
H. J. Res. 54: Mr. CUMMINGS, Mr. GONZALEZ, Mr. ROTHMAN, Mr. SPACE, Mr. GALLEGLY, Mr. FORBES, and Mr. KING of New York.
H. Con. Res. 198: Mr. RUSH.
H. Con. Res. 211: Mr. HASTINGS of Florida, Ms. WATSON, Ms. KILPATRICK, Mr. CLEAVER, Mr. WATT, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. FATTAH, Mr. CUMMINGS, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. ELLISON, Mr. KUCINICH, Mr. DAVIS of Illinois, Mr. PASTOR, Mr. SCOTT of Virginia, Ms. LEE, Mr. AL GREEN of Texas, Mr. MANZULLO, Mr. PASCRELL, Ms. BORDALLO, Mr. MCNULTY, Mr. UPTON, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Alabama, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. RUSH, Mrs. JONES of Ohio, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. COHEN, Mrs. CHRISTENSEN, Mr. MEEK of Florida, Ms. NORTON, Mr. TOWNS, Mr. RANGEL, Mr. JEFFERSON, Mr. BAIRD, Mr. KILDEE, Mr. WAXMAN, and Mr. BURTON of Indiana.
H. Con. Res. 214: Mr. GRIJALVA, Mr. FATTAH, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, and Mr. MARKEY.
H. Con. Res. 221: Mr. GONZALEZ.
H. Con. Res. 235: Mr. CULBERSON.
H. Con. Res. 238: Mr. COHEN, Mr. DONNELLY, and Mr. MCGOVERN.
H. Con. Res. 239: Mr. RYAN of Ohio, Mr. TERRY, and Mr. KUCINICH.
H. Res. 111: Mr. MORAN of Kansas, Mr. CAMP of Michigan, and Mr. MEEKS of New York.
H. Res. 163: Mr. COURTNEY and Ms. SCHAKOWSKY.
H. Res. 335: Mr. ALLEN, Mr. ROSS, Mr. MARKEY, Mr. ENGEL, Mr. DAVIS of Illinois, Ms. WATSON, Mr. TOWNS, Mr. RUSH, Ms. DEGETTE, Ms. HARMAN, Ms. SOLIS, Mr. INSLEE, Mr. BARROW, Mr. HILL, Ms. MOORE of Wisconsin, Mr. PASCRELL, Mr. BOUCHER, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. WEINER, Mrs. MCCARTHY of New York, and Mr. RODRIGUEZ.
H. Res. 435: Mr. ALTMIRE and Ms. ROS-LEHTINEN.
H. Res. 556: Mr. GRAVES, Mr. CARNAHAN, and Mr. WOLF.
H. Res. 656: Mr. SHULER and Mr. ENGLISH of Pennsylvania.

H. Res. 695: Mr. TERRY, Mr. HENSARLING, Mr. KINGSTON, Mr. HOLDEN, Mrs. CHRISTENSEN, Mr. DAVID DAVIS of Tennessee, Mr. KELLER, Mr. BURGESS, Mr. ROTHMAN, Mr. BRADY of Texas, Ms. GIFFORDS, Mr. MORAN of Virginia, Mr. SAXTON, Mr. REYNOLDS, Mr. BILBRAY, Mr. HOEKSTRA, Mr. PAYNE, Mr. FOSSELLA, and Mr. LEWIS of California.

H. Res. 743: Mr. BISHOP of New York.

H. Res. 744: Mr. KAGEN.

H. Res. 754: Mr. ENGLISH of Pennsylvania and Ms. DEGETTE.

H. Res. 760: Mr. DONNELLY and Mr. GEORGE MILLER of California.

H. Res. 768: Mr. CROWLEY and Mr. MCGOVERN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Rahall or a designee to H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative MCCRERY or a designee to H.R. 3920, the Trade and Globalization Assistance Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Mr. WYNN, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, and Mr. CUMMINGS.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, OCTOBER 30, 2007 *No. 166*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Eternal God, our refuge and strength, we seek for peace and unity but live with strife and division. We make agreements but suspect that we haven't agreed. We flex the muscles of our might to reassure ourselves and caution aggressors. Yet we feel anxiety. Lord, show us the way.

Keep our Senators from presuming that You are automatically on their side. Instead, let them earnestly seek to be on Your side. Enable them to find unity with each other because of their connection with You. Keep them sensitive to see You at work in our world with Your intervening love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 2007.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will be in a period of morning business for 60 minutes, with the first half of the time under the control of the Republicans and the second half controlled by the majority.

ORDER OF PROCEDURE

In the time that we have, I ask unanimous consent that Senator KENNEDY have 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Following morning business, the Senate will resume consideration of the Amtrak legislation.

Yesterday, in a short period of time, the Senate considered and adopted nine amendments to the legislation. A number of other amendments remain to be considered. I believe the managers share my view that action on this bill can, hopefully, be concluded during today's session. Therefore, it is estimated that the number of votes with respect to amendments and the pending cloture motion could occur prior to the Senate recessing for the caucus meetings. Members have until 12 noon to file germane second-degree amendments to the bill.

Last evening, I had a conversation with my counterpart, the distinguished Senator from Kentucky, Mr. MCCONNELL, and indicated to him that we are going to move to and complete SCHIP this week in some form or fashion. That may require some time into the weekend. We can change everything by unanimous consent. We will see what the mood of the Senate is. Everybody should be alerted that unless Senator MCCONNELL and I and the other 98 Members can work something out, we may have to be here this weekend.

We have been very fortunate that we have not had to have many weekend sessions this year. That is really good. If we can get our work done, that is fine.

I have an obligation to move to the farm bill. Every 5 years, we have to complete that, and we are going to do our very best to do it in a way that makes a lot of sense. In the next 2 weeks, after this week, there are other things we have to do. We have to send an appropriations bill to the President and get that conference started. Some say no matter what we send him, he will veto it. That may be the case, but at least we will get the process going to see if we can work out something rather than a number of short-term CRs to complete the funding of the Government. I hope we can do that.

We also have other things we need to work on that are extremely important to do. Some of that must be done before we leave on November 16. We have a lot of work to do. I have had both Democrats and Republicans talk to me, saying: My legislation is important, let's get it done.

Mr. President, it is difficult to do. The rules have developed in the Senate over 230 years, and I think they have served the country well, as you look back. When you are right in the trenches trying to work through this, sometimes it is very difficult. We will try to be as fair and inclusive to everybody as we can during the next 2½ weeks.

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RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FIVE WEEKS AND COUNTING

Mr. MCCONNELL. Mr. President, a lot of business in the Senate involves numbers. There are 100 Senators. The majority has 51, and this side of the aisle has 49. As the majority leader just indicated, it takes 60 votes to pass most significant legislation. Senators are always thinking about many different numbers. But today's number is quite simple. The number is 5—yes, just 5. It is 5 because this is the fifth week of the new fiscal year. But our friends on the other side of the aisle have yet to fulfill, as the majority whip puts it, ''the most fundamental job Congress is expected to do,'' and send a single appropriations bill to the President's desk.

Let me give just one example. The Senate passed the Military Construction/Veterans Affairs appropriations bill, which provides critical funds for wounded warriors, deserving veterans, and the base installations of servicemembers and their families, in a bipartisan 92-to-1 vote nearly 2 months ago. Yet that bill now sits idle as we wait for the majority to call it up to conference.

Meanwhile, as early as today, the majority could proceed to take up another version of the SCHIP bill, which is certain to be vetoed once again by the President.

Republicans want to strengthen and secure the SCHIP program. The exact wrong way to do that is to lose focus on the low-income children it was designed to protect. So let's work together on a compromise that will keep the focus where it belongs, on low-income children. But I suspect I am going to have plenty of chances to come back to the Senate floor and debate this issue very soon.

The point is, working on a bill that we know will be vetoed is not the best way to use precious legislative time. Why do they insist that we go through with this?

Further, Mr. President, I think we can all agree that we should do everything in our power to provide for our veterans and our troops. November 11 is Veterans Day. I think this Senate ought to honor our veterans and the brave men and women who serve under our country's flag by sending the Military Construction/Veterans Affairs and Defense appropriations bills to the President's desk by Veterans Day without any gimmicks and games. It is the least this Congress can do for those who have worn the uniform, and it is the least this Congress can do to meet the minimum threshold of conducting the Government's important business.

Five weeks and counting, Mr. President.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for 60 minutes, with the first half of the time under the control of the Republicans and the final 30 minutes under the control of the majority.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent the Senate proceed to consideration of S. 2258, introduced earlier today.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2258) to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2258) was ordered to a third reading, was read the third time, and passed, as follows:

S. 2258

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 ''Third Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''October 31, 2007'' and inserting ''March 31, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

SEC. 4. DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.

Section 435(p) of the Higher Education Act of 1965 (20 U.S.C. 1085(p)) is amended —

(1) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d).''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

''(II) is acting as a trustee on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity, on the date of enactment of the College Cost Reduction and Access Act, was the sole beneficial owner of a loan eligible for any special allowance payment under section 438.'';

(B) in subparagraph (A)(ii), by inserting ''of'' after ''waive the requirements'';

(C) by amending subparagraph (B) to read as follows:

''(B) NO FOR-PROFIT OWNERSHIP OR CONTROL.—

''(i) IN GENERAL.—No State, political subdivision, authority, agency, instrumentality, or other entity described in paragraph (1)(A), (B), or (C) shall be an eligible not-for-profit holder under this Act if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.

''(ii) TRUSTEES.—A trustee described in paragraph (1)(D) shall not be an eligible not-for-profit holder under this Act with respect to a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), if such State, political subdivision, authority, agency, instrumentality, or other entity is owned or controlled, in whole or in part, by a for-profit entity.'';

(D) by amending subparagraph (C) to read as follows:

''(C) SOLE OWNERSHIP OF LOANS AND INCOME.—No State, political subdivision, authority, agency, instrumentality, trustee, or other entity described in paragraph (1)(A), (B), (C), or (D) shall be an eligible not-for-profit holder under this Act with respect to any loan, or income from any loan, unless—

''(i) such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan; or

''(ii) such trustee holds the loan on behalf of a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such

State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), and such State, political subdivision, authority, agency, instrumentality, or other entity is the sole beneficial owner of such loan and the income from such loan.'';

(E) in subparagraph (D), by striking ''an entity described in described in paragraph (1)(A), (B), or (C)'' and inserting ''a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d),''; and

(F) by amending subparagraph (E) to read as follows:

''(E) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A), (B), (C), and (D) of this paragraph, a State, political subdivision, authority, agency, instrumentality, or other entity described in subparagraph (A), (B), or (C) of paragraph (1), regardless of whether such State, political subdivision, authority, agency, instrumentality, or other entity is an eligible lender under subsection (d), shall not—

''(i) be deemed to be owned or controlled, in whole or in part, by a for-profit entity; or

''(ii) lose its status as the sole owner of a beneficial interest in a loan and the income from a loan,

by such State, political subdivision, authority, agency, instrumentality, or other entity, or by the trustee described in paragraph (1)(D), granting a security interest in, or otherwise pledging as collateral, such loan, or the income from such loan, to secure a debt obligation for which such State, political subdivision, authority, agency, instrumentality, or other entity is the issuer of the debt obligation.''.

CONGRATULATING THE BOSTON RED SOX

Mr. KENNEDY. Mr. President, it is good to be back in the Senate after a brief absence due to some health issues. I am enormously appreciative to the people of Massachusetts, for all of their thoughts and good wishes and prayers that were extended to me. I am very thankful to so many of our colleagues, on this side of the aisle and on the other side as well, who wished me well. As a matter of fact, there were a number of those on the other side of the aisle who urged me to take even additional time, that the Senate could function very well without my attendance. I appreciate their good thoughts, but we are back in business and ready to deal with the important issues at hand.

One of the very important issues at hand is reminding the country of the extraordinary achievement and accomplishment by a magnificent sports team from my home city of Boston, MA. The country knows about it, but I know Senator KERRY joins with me in taking a moment to say how much we are cheering them on, on this magnificent, beautiful day in Boston. Our greatest regret is missing what they call the ''rolling rally'' that will celebrate the World Series victory of our beloved Red Sox. It is going to be an absolutely spectacular day in Boston.

Both of us, Senator KERRY and I, are very grateful to the Senate for last night passing this wonderful resolution that expressed all of our feelings about the Boston Red Sox and their success this year. It is an extraordinary record. For the millions of members of the Red Sox nation, this year has been a dream come true. We are proud of the team and what they have accomplished, especially the way they came back after trailing the Cleveland Indians by some three games to one in the American League Championship Series and went on to win seven straight games.

It was an exciting season full of brilliant performances, but none of them were as touching as the extraordinary—and it was extraordinary—performance by Jon Lester, the great pitcher for the Boston Red Sox, who pitched 5⅔ shutout innings in game four on Sunday night, less than 1 year after being treated with lymphoma. For thousands of families struggling with cancer, his example is truly an inspiration.

I congratulate the Colorado Rockies as well. They showed us what can be achieved when everyone pulls together, winning an incredible 21 out of 22 games to reach the World Series and making history in the process. I have no doubt their team will have a brilliant future.

So, congratulations, Red Sox, for a job brilliantly done in 2007. It is a wonderful year for baseball in Boston. We are enormously grateful to the whole team for an inspiring and exciting season and we look forward to another great year in 2008.

AMTRAK

Mr. KENNEDY. Mr. President, I strongly support the Passenger Rail Improvement and Investment Act. I commend the bill's managers, Senators LAUTENBERG and LOTT, for their leadership on this issue, and I am proud to be an original sponsor of this important legislation.

Effective passenger rail service is more essential than ever at this time when gas prices, the Nation's economy, and our environment are on everyone's mind.

For decades, Amtrak has given the Nation a safe, reliable and energy efficient alternative.

Now, we must make the necessary investments in passenger rail service to preserve this important transportation option.

The pending bill gives Amtrak the funds it needs to continue operating and make necessary repairs.

It couldn't be timelier, because more and more Americans are choosing passenger rail. Recently Amtrak reported its highest ridership ever—nearly 26 million passengers in 2007.

It is particularly gratifying that the bill gives special priority to the overburdened Northeast Corridor, allowing it to return to a state of good repair by 2012.

Rail transit has long been an important part of Massachusetts' public transportation system. Boston's Green Line—110 years old—is the oldest subway system in North America. The Northeast Corridor is the backbone of Amtrak today, serving 10 million passengers.

An excellent example of why this bill is so important is the Downeaster, which operates between Boston and Portland, ME. The Downeaster launched its service at the end of 2001, and it has already carried over 1.5 million passengers. The line is so popular that it recently added a fifth daily round trip to meet the demand.

We need to continue to expand these options for the good of our economy and the environment. Public transportation creates thousands of jobs and billions of dollars in revenue.

The number of light rail systems has tripled in the past 35 years, and heavy rail service has nearly doubled. We need to do much more, however, to make public transportation a viable option if we are going to end the Nation's addiction to oil and reduce the harm being done to our environment from greenhouse gas emissions.

Of the 20 million barrels of oil America consumes daily, more than 60 percent is consumed by the transportation sector. Public transportation today saves us 1.4 billion gallons of gasoline each year, which translates into 108 million fewer cars filling up.

Equally important, these investments relieve the growing congestion on our roads. The Texas Transportation Institute's latest Urban Mobility Report found that congestion is costing the Nation $78 billion a year and forcing the average driver to waste 38 hours in traffic, while burning 26 gallons of gasoline. In the greater Boston area, travelers face even longer traffic delays in a year—spending 46 hours stuck in traffic and wasting over 30 gallons of gasoline.

These delays help explain why more and more people are choosing Amtrak. Earlier this year, Amtrak reported that its Acela line—which operates between Boston, New York, Philadelphia and Washington—had an on-time performance record of nearly 90 percent, and nearly a 25 percent increase in ridership.

Those are strong results. The pending bill will make the system even stronger, and I urge my colleagues to support it.

Mr. President, as I make these comments about the Amtrak legislation, I remember very well a former colleague of ours who is not here. He has his own particular health challenges. He is a beloved figure—Senator Claiborne Pell of Rhode Island, author of the Pell grants, author of the National Endowment for the Arts, author of the National Endowment for the Humanities, author of the Seabed Treaty that did so much in terms of arms control and the placement of weapons on the seabeds—there is a whole legacy there.

But President Kennedy said, during his Presidency, that as a student of history it was extremely rare that any individual Member of the Senate could come up with a new idea and then see a real downpayment on that particular program. This is the case with regard to Amtrak. Claiborne Pell was the first voice in terms of rapid transportation between Boston and Washington. He struggled for that program, and during the early 1960s he was actually able to get some resources—not very great amounts—but for the study of it, for the feasibility of it, and for building a sense of inevitability about it.

He saw, long before others did, the importance of transportation, this rapid transportation for our Nation as an energy saver, for the movement of people. He anticipated our congestion and so many issues that have been talked about by two of our colleagues and friends, Senator LAUTENBERG and Senator LOTT, who deserve great commendation for their efforts and for their leadership.

We are reminded—with the explosion of the costs of gasoline, congestion, environmental issues—about the importance of this legislation. Many times over the last 40-odd years, this legislation was at risk. But now it is well established, not only for the corridors which are highly populated, but we are seeing, as has been pointed out at other times during the debate, other examples of this kind of rapid movement of individuals between various population centers and the difference it has made and contribution it has made in terms of not only passenger service but also for our economy and the environment and the use of energy.

SCHIP

Mr. KENNEDY. Mr. President, I want to comment on an issue about which I have spoken frequently over the last 10 years, but one which I feel immensely strongly about, that will be before the Senate and on the national agenda in these next several hours. I will draw attention to its importance to the future of our Nation and particularly to the children of this Nation.

I know there has been a good debate and a good discussion. I have spoken frequently about it, but I welcome the chance to once more, as Americans are beginning once again to refocus on this issue. It takes time. There are so many different issues that are before the Senate, and it does take time. We have to repeat and come back to these issues. It does not surprise me. We have seen it other times.

I was here in 1964 when we failed to pass the Medicare Program. I can remember the whole stream of our colleagues going down to the radio and television gallery issuing their press releases about their opposition to Medicare. And then, about 8 months later—I think it was about 8 months later—the Senate revisited the Medicare Program, and it passed overwhelmingly.

The one great difference, in that period of time, was the election of 1964, when American people gave focus and attention to the issue of Medicare and made the judgment and decision we ought to go and move ahead. I have heard all those arguments, ''socialized medicine,'' ''Government-controlled program.'' We heard that when this program was initially introduced.

Senator HATCH, myself, and others, we have heard those echoes time in and time out. But it was under the leadership of Senator HATCH, the judgment and decision, in terms of providing the help and assistance to these children would not be replication of the Medicaid Program but would be a program that would be basically run by the States, with an outline by the Congress about what would be included in terms of services.

It was a program that was built upon the private companies in these various States. It was a program also that did not quite match the range of different services that were in the Medicaid Program but, nonetheless, has been invaluable in terms of these children.

I come to the Senate floor today to speak about the health insurance, not the health insurance available to Senators or Members of the House or the President and his Cabinet. As I was reminded again during my recent experience, we have access to excellent insurance to pay the cost of whatever care we need. Our health coverage is never in question.

I speak of those who do not work in marbled halls or beneath vaulted ceilings but of those who work at the local bakery or the repair shop or make their living stocking shelves or cleaning offices. This debate is about our commitment to millions of American men and women who work hard every day, pay taxes, care for their children but who stay awake at night worrying because they cannot afford the costs of sudden illness.

It used to be when we debated this issue, 10, 15, 20 years ago, we would talk about the cost of an emergency room visit being $250 and wondering whether a child was $250 sick. That is the cost of going to an emergency room. And we used to debate about how do you measure the pain, the anxiety, the anguish that parent has, wondering whether their child is $250 sick; whether they will get better tomorrow, whether that earache will expand or be an indicator of a more serious illness or that throat ailment may be the same or whether that child would get better.

Now it is a $475 average across this country. That is what this children's health insurance debate is all about: Healthy lives for children, peace of mind for parents, Congress acting for the common good.

CHIP is not a Republican idea or a Democratic idea, it is not a State program or a Federal initiative, it is not public sector or private sector, it is all of those things and more. CHIP is an American success story.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 18½ minutes remaining.

Mr. KENNEDY. Over the past decade, since it was first enacted, we have seen what it can do to transform young lives. Since then the percentage of uninsured children has dropped from almost 23 percent in 1997 to 14 percent in 2005. This is a clear indication of what this program is about, from just below 25 percent uninsured for children—this is 1997—look where it is now, 13 percent.

What we see in other charts, if you talk about what has been the growth to uninsured adults, it would be the opposite. It would be going the other way. This is a success story.

There is an old saying familiar to every first-year law student:

If the law is against you, you pound the facts. If the facts are against you, pound the law. If the law and the facts are against you, you pound the table.

The President and his supporters in Congress have been pounding the table hard and often on this issue in recent months. It is time to set the record straight. They have pounded the table about all the families making $83,000 a year who are supposedly eligible for CHIP. Let me tell you how many families making $83,000 a year are enrolled in CHIP: None.

None in Massachusetts, none in New York, none in New Jersey, none in California, nowhere, zero, not a single child in a family making $83,000 is eligible for CHIP.

The new bill approved by the House last Thursday goes even further than current law. It makes it illegal to cover anyone in families making over $62,000 a year, or 300 percent of the poverty level.

There it is, in big black letters, on page 75 of the bill:

Denial of Payments for Children with Effective Family Income that Exceeds 300 Percent of the Poverty Line.

Now, according to the Congressional Research Service, 91 percent of the children covered by CHIP are in families with incomes below 200 percent of the poverty level, or $41,000 a year for a family of four. Almost all of the 9 percent of families above this level pay premiums to defray the cost of coverage for their children. That was a key part of the CHIP program.

States will have a right to make judgments and decisions, to be able to vary the premiums, the deductibles, and the copays. We let the States do that for those who would benefit from the program at this particular level.

The need for genuine outreach to more of the low-income children is a serious problem. But it is a foolish solution to address it by denying CHIP to children who also need it.

Facts are stubborn things, and all the table pounding in the world cannot change them. The basic fact of CHIP is it began as a principled, bipartisan

compromise, and it remains so even now.

Nevertheless, the White House has called upon the supporters of CHIP to compromise and compromise and compromise. We have. But this much is clear: We will not compromise the future of a generation of American children because they come from the working poor. Surely, they are more important than multimillion-dollar tax breaks for the wealthiest individuals or the largest corporations. They are more important than the subsidies for the big oil companies. They are more important than preserving the obscene tax breaks for so-called carried interest.

These are America's deserving children and Democrats in Congress will stand up for them every time and courageous Republicans will too. We have been more than willing to work with Republicans in Congress on reasonable and realistic compromises that still meet our obligations to these children.

Many of us initially called for a much larger bill to properly serve the needs of the Nation's children, but we accepted a less costly bill in order to obtain broad bipartisan support. Year after year, the administration has granted waivers to cover adults under CHIP.

As of February of this year, the administration had granted waivers to 14 States to cover adults through CHIP. In August of 2002, they said yes to covering 40,000 adults in New Mexico. In October 2002, they said yes to over 334,000 in Oregon. In January of 2003, they said yes to 12,000 more adults in New Jersey. In May of this year, amid statements from the President that CHIP should put kids first, his administration said yes to 39,000 adults in Wisconsin.

But now they want to say no. The White House is now shocked, shocked to discover adults are covered under CHIP. It actually cites the consequences of their own decisions as a failing of our proposal.

The legislation the Senate approved last month reversed this policy by moving adults out of the program over the next 2 years. The bill now before us goes one step further. It removes childless adults from the program by the end of next year.

But that is still not enough. Still not enough. The requirement that children produce onerous documentation, listen to this, to prove their citizenship has been shown to be a barrier to care for American children because they often had great difficulty meeting the burdensome requirements of the policy.

These high barriers were imposed because of a fallacy, the myth that they prevented children in America illegally from using these services.

Now, a recent letter from the Congressional Budget Office, not the Democratic one, not the Republican office but the Congressional Budget Office, refutes that claim saying:

Available evidence, based on State reports and other information provided by State officials, suggests that virtually all of those who have been unable to provide the required documentation are U.S. citizens.

That statement could not be clearer. It was American children, eligible for CHIP or Medicaid, who were denied services by these requirements, not the undocumented.

The cost of this witch hunt has been high. According to a recent report by the Center on Budget and Policy Priorities, the six States that have examined this issue in detail spent $17 million to administer the requirement, have denied health insurance to tens of thousands of needy children and parents as a result, and have identified a grand total of eight—eight—undocumented aliens, individuals.

The number of low-income children insured through Medicaid has dropped 11,000 in Virginia and 14,000 in Kansas due to the new requirements. Each State identified one applicant, one applicant who incorrectly claimed to be a citizen.

Even now, we accepted a compromise by requiring the Social Security Administration to verify the citizenship of any child seeking coverage under CHIP. The time has come to stand up and be counted, to see who is for children's health insurance and who is against it.

It's obvious to everyone that our bipartisan majority for an effective CHIP program has made compromise after compromise. The time has come to stand up and be counted to see who is for children's health insurance and who is against it.

We need to know who is for families like the Vega family in Greenfield, MA. CHIP helps Flor Vega, a working mother, buy an extra inhaler for her 5-year-old daughter, so she could have one at school and the other at home. CHIP also helped her afford a nebulizer, the small, portable device that pumps the asthma medicine into the lungs when an inhaler isn't effective. That means her daughter doesn't face sudden dangerous attacks of asthma that require her to go to the emergency room.

We need to know who is for families like the Lewis family in Springfield, MA. I met Dedra Lewis and her daughter Alexsiana when they came here to talk to me about the difference that CHIP has made in their lives. Alexsiana has a rare eye disease that requires expensive drops every hour of every day. To take care of her daughter, her mother had to cut back her hours at work, and she lost her insurance. Without CHIP, they would be choosing between paying the mortgage for their home or paying for medicine that Alexsiana needs to keep her vision.

Family after family from coast to coast could tell similar stories. That's why families across America are calling on Congress to renew the promise of CHIP.

The task has not been easy, but we will not be deterred or deflected.

When Medicare was first proposed in the 1960s to allow the nation's senior citizens to live their retirement years in dignity, its supporters were attacked with much the same harsh rhetoric as we hear now about CHIP—it's ''Socialized medicine.'' It's a ''Government takeover.'' But Congress rejected that absurd rhetoric, and hundreds of millions of senior citizens have benefited immensely ever since.

American families face real challenges—higher mortgages, soaring gas prices, the ever-increasing cost of health care, and many other burdens. They deserve real solutions, not empty slogans.

Our opponents failed to stop Medicare, and they won't stop CHIP now. Medicare didn't pass on the first attempt, but its supporters came back again and again and again with the force of the American people behind them to ask—to demand—that Congress act. And the 1964 election made it happen.

And that's just what we'll do with CHIP, even if it takes the 2008 election to do it.

We'll keep at it until the children of America get the health care that they deserve and that the American people are demanding.

We know what the President's priorities are. He is calling yet again for more money, on top of more money, on top of yet more money to pay for the war in Iraq.

The President has made his judgment. He has decided to pour even more of our national treasure into the sands of Iraq and to burden our economy with the immense costs of the war for years to come.

Every day the war goes on, we spend what's needed to cover a quarter million children.

We have a military surge to help the people of Iraq. I say we need a health care surge to help the children of America.

This administration is quick to highlight their achievements on health care for the children of Iraq, but won't show the same commitment to the health of our own children.

In Iraq, American money has renovated 52 primary care clinics and reequipped 600 others. But in America, children are denied essential medical services in the name of fiscal discipline.

In Iraq, our citizens have paid for 30 million doses of children's vaccine. But in America, we are told we can't afford basic preventive care for 10 million children.

The Web site of the U.S. Agency for International Development proudly notes a remarkable accomplishment, and I commend them for it. They have successfully vaccinated 98 percent of all Iraqi children against measles, mumps and rubella. If only we could do as well for our own children.

According to the CDC, only 91 percent of American children had received the same vaccine by the recommended age. The administration should be as concerned that children growing up in

Boston or Birmingham get their recommended vaccines as they are about the children of Baghdad and Basra.

That same Web site proudly notes that USAID has ''improved the health of vulnerable populations in Iraq by increasing access to high quality, community-based primary healthcare.'' That is just what we are trying to do for vulnerable populations in America.

In Iraq, it is an accomplishment. In America, it is a veto.

A bipartisan majority in Congress has made a judgment, too. Our judgment is that we must make room for decent health care for America's children. We must stand up to the empty rhetoric and hollow slogans of the White House, and give all children in America the healthy start in life they deserve.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

IRAQ BENCHMARKS

Mr. NELSON of Nebraska. Mr. President, I rise today to try to bring the focus of the debate about Iraq back to Iraq, specifically the Iraqi Government's continuing failures to meet benchmarks for progress on political, military, and security matters.

For the past several weeks, the news out of Iraq has been consumed by coverage of the Blackwater security transgressions. To be sure, the allegations against Blackwater are serious and need to be addressed. Oversight needs to be tightened, actions should be taken to ensure that security needs are being met, and force is used only when necessary.

By no means do I believe we should do anything but hold Blackwater and its Government overseers responsible for their actions. But what is happening is the Iraqi Government has successfully shifted the focus of the debate from their failures in meeting benchmarks for progress to the Blackwater security matter.

We need to refocus. Everyone here remembers, and the American people remember, this past spring, during the debate on the supplemental, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, that during the deliberations on that debate, Congress codified into law 18 benchmarks that were identified by the Iraqi Government and the Bush administration.

As a member of the Senate Appropriations Committee, I pushed to include benchmarks in this bill. Since returning from Iraq, having spent Thanksgiving there with the troops in 2004, my second visit to our troops in Iraq, I began to call for the Iraqi Government and U.S. military leaders to establish a method of measuring progress on the stated goals of standing up the military and security forces and establish a functioning government.

During my third visit to our troops in Iraq, in April of this year, I delivered a strong message to Iraqi leaders that they needed to show progress on an oil agreement, quelling sectarian violence, and building a functioning government very quickly or the United States would continue to lose patience with the war.

This supplemental presented an opportunity to send that message and codify it into law. It was the hope of the Senate to provide measurable benchmarks that could provide an outline on progress in Iraq. As part of the benchmarks requirement, Congress asked the White House to provide an assessment in July and September. Congress also directed the GAO to provide its own assessment on the Iraqi benchmarks. In July, Congress received an assessment from the White House on the status of the 18 benchmarks. At that time the White House indicated that satisfactory progress on eight of the benchmarks had been made. On the remaining 10 benchmarks, the White House indicated that the Iraqi Government had failed to make satisfactory progress. In September, the GAO review indicated that 3 benchmarks had been met, 4 had been partially met, and 11 had not been met at all.

In September, the White House provided its final assessment of the 18 benchmarks. Of the benchmarks, satisfactory progress had been made on 10, 2 more than in July, and 8 benchmarks still received an unsatisfactory rating, 2 less than July.

Everyone remembers that this is an important issue because of the importance of making positive gains by the Iraqi Government. I visited Iraq for a fourth time in September, just after General Petraeus testified before the Senate Armed Services Committee but before the benchmark reports were issued. Little had changed. Iraq's political leaders were still entrenched. There was still very little hope for progress on the benchmarks. I delivered the message that time was running out on the blank check policy the administration seems to have implemented in Iraq. At this critical juncture of U.S. policy toward Iraq, the Iraqi policy toward the United States seems disjointed, disconnected, and disassociated. The level of progress on the benchmarks is debatable, but what is undeniable is the fact that progress is needed on some of the most urgent issues to bring peace and stability in Iraq.

The Iraqi Government has failed to enact a debaathification law, a law on equitable distribution of hydrocarbon resources and revenues—that is essentially the oil and the revenues they have collected—and to provide three trained and ready brigades to support Baghdad operations and the disarmament of the militias. The level of progress is undebatable. The Iraqi Government has failed to deliver on these three important benchmarks. These are fundamental failures by a government that continues to expect the United States to invest in Iraq with our soldiers and our dollars, and these failures are unacceptable. We cannot continue on this path and cycle of Iraqi dependence on the United States.

As we prepare to deal with another supplemental, bringing the total off-budget additional war spending this year to just under $200 billion, making total off-budget spending on the war in Iraq nearly $500 billion—off-budget spending in Iraq of nearly half a trillion dollars—we need to refocus on what is happening in Iraq. We need to reexamine these benchmarks and others. Those who called for another 6 months to allow more progress got what they wanted. The question is, when will we get what we want? When will Iraq step up and take over? When will we be able to bring most of our troops home? When will the cycle of dependence end?

The answers to these questions lie in the benchmarks we established. Progress on the benchmarks can give us a timeframe for the future. Lack of progress on the benchmarks could only extend our commitment indefinitely, if we allow it to continue.

Finally, we do need to focus on the Iraqi Government's progress on the benchmarks and the lack thereof. If they had made more rapid progress, we would not need private security outfits protecting American assets and personnel. If they continue to fail to make progress and meet the benchmarks, we will need to fundamentally reassess what our future role might be in Iraq. We can't sustain this pace forever. Our soldiers deserve better. Our taxpayers deserve better. The Iraqi people deserve better from their own Government than the failed leadership they have been shown to date.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Has the Senate concluded morning business?

The ACTING PRESIDENT pro tempore. Not quite yet. The minority has a minute and a half; the majority has a minute and a half.

Who seeks recognition?

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of S. 294, which the clerk will report.

The bill clerk read as follows:

A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

Bond (for DeMint) amendment No. 3467, to require Amtrak to disclose the Federal subsidy of every ticket sold for transportation on Amtrak.

Bond (for DeMint) amendment No. 3468, to increase competition in the American rail system by allowing any qualified rail operator or transportation company to compete for passenger rail service.

Bond (for DeMint) amendment No. 3469, to clarify the level of detail to be included in the modern financial accounting and reporting system required under section 203.

Bond (for DeMint) amendment No. 3470, to require the Performance Improvement Plan to address reaching financial solvency by eliminating routes and services that do not make a profit.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the Senate is now back on the Amtrak bill that Senator LOTT and I have been working on together for many years. I am glad we are moving closer to passing this bipartisan legislation. Our bill has had wide support with over 40 cosponsors. This is our fifth day on the Amtrak bill, and we have made very good progress. We have been able to work through most amendments. Some we were able to agree to, while some required votes. We still have a few amendments, however, we need to address. But we should be able to finish this bill soon, hopefully today.

It is critical that we do so. When we think about how crowded our roads are, the high price of gasoline, airport delays as an alternative, the potential fuel savings and reduction in greenhouse gases from more people riding the trains, the need for multiple modes of transportation for evacuations during emergencies, rail is a critical answer to our needs.

The need for multiple modes of transportation for evacuations during emergencies is a critical factor, and rail is one very important answer.

We know people will ride the train when there is service available. Amtrak set a new company record of almost 26 million passengers in the last fiscal year. We have seen successes in the Northeast corridor between Boston and New York and through New Jersey to Washington, but there is no reason why we can't have world-class rail service in other regions of the country. Many States are ready to develop new rail corridors, and our bill is going to meet this need by creating a new State grant program for rail projects. In all, it would authorize almost $2 billion a year for Amtrak and for the States over the next 6 years. Instead of barely giving Amtrak enough resources to survive, our bill paves the way for an improved, modern passenger rail network by providing funding for Amtrak's capital and operating needs. Our legislation will also reduce train delays by allowing the Federal Surface Transportation Board to issue fines to freight railroads when their trains delay Amtrak passenger trains.

When it comes to overseeing use of taxpayer funds, our bill requires that Amtrak improve its efficiency and its management. Overall, we require a 40-percent reduction in Federal operating subsidies over 6 years. We require a new financial accounting system to increase the transparency of the company's financial management.

The last Congress, our bipartisan compromise bill plan was approved by the Senate 93 to 6. I hope we will see a similar showing of support in this Chamber later today. America's travelers have been through terrible inconveniences, missed appointments, total unreliability. Now they are relying on us to provide practical and convenient travel options and passenger rail service must be one of them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand the Senator from New Jersey may object to a unanimous consent request.

Mr. LAUTENBERG. I object.

Mr. COBURN. I need to make it first.

Mr. LAUTENBERG. Excuse the delay.

Mr. COBURN. My attempt is for a colleague, an amendment for Senator ENSIGN, amendment 3482. I ask unanimous consent that the pending amendments be set aside and we consider 3482.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LAUTENBERG. Yes, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COBURN. Mr. President, I note that this amendment could be considered nongermane afterwards and could have been held after that. The fact that we are not going to have a discussion on the amendment is somewhat disconcerting, but we will honor the objection of my colleague from New Jersey.

AMENDMENT NO. 3474

I ask unanimous consent to call up amendment No. 3474.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3474.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Amtrak to regularly report to Congress on the profits or losses relating to the provision of food and beverage service and to limit such service on Amtrak rail lines that incur losses)

At the appropriate place, insert the following:

SEC. ___. FOOD AND BEVERAGE SERVICE.

(a) QUARTERLY REPORT.—The National Railroad Passenger Corporation (referred to in this section as ''Amtrak'') shall submit a quarterly report to Congress and to the Secretary of Transportation that sets forth the profit or loss, as applicable, relating to the provision of food and beverage service on each rail line operated by Amtrak.

(b) CONTRACT RENEGOTIATION.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any fiscal year, Amtrak shall renegotiate any applicable contracts relating to food and beverage service (including associated labor contracts) for such rail line in an effort to—

(1) reduce the cost of such service; and

(2) increase to likelihood to make a profit in the following fiscal year.

(c) DISCONTINUANCE.—If the food and beverage service on a specific Amtrak rail line incurs a loss in any 2 consecutive fiscal years, Amtrak shall terminate such service on such rail line.

(d) REINSTATEMENT.—Amtrak may reinstate food and beverage service that was discontinued under subsection (c) if—

(1) at least 1 year has elapsed since the date on which such service was discontinued on the applicable rail line;

(2) Amtrak submits a credible proposal to Congress and to the Secretary of Transportation for generating food and beverage service profits on such rail line for each of the following 5 fiscal years; and

(3) the Secretary of Transportation, or the designee of the Secretary, certifies to Congress that the proposal submitted under paragraph (2) will likely generate food and beverage service profits on such rail line for each of the following 5 fiscal years.

Mr. COBURN. Mr. President, this is a straightforward amendment. Last night, at 11 o'clock, I arrived at Union Station, taking the Acela Express from New York City to Washington. It is a great value, with good service. It is one of the areas where Amtrak makes money.

But what the American public needs to see about this bill—and I am going to talk about in this amendment, specifically—is we are right here now at this level, as shown on this chart, and total subsidies will not go down, they will go up over the next 5 years for Amtrak. If you consider operating subsidies and capital subsidies, here is where they are, as shown on this chart.

What we are going to have is about a $600 million increase between now and 2012 in the amount the American taxpayers are going to subsidize Amtrak. That may be something we want to do. This amendment specifically deals with an area where Amtrak can make a difference right now, and it is on food service. Over the last 3 years, American taxpayers have subsidized food service on Amtrak to the tune of a quarter of a billion dollars. Now, anybody who travels knows when you get on American Airlines, you can buy a Milky Way candy bar for $3. The same thing costs 75 cents on Amtrak. They know you can buy a beer for $5. It costs $3 on Amtrak.

Why is it we have food programs and food sales programs that the American taxpayer is subsidizing on Amtrak that we refuse to subsidize on airlines?

Now, we have heard during this debate that, well, we subsidize Amtrak,

but we subsidize all the rest of them. Here is the analysis of the Department of Transportation on how much we do subsidize the other forms of transportation in this country. It is pretty revealing.

If you are driving a car, you are paying in to the Federal Government. It is a negative subsidy. You, the individual driver, are paying $1.79, for every 1,000 miles you drive, to the Federal Government—just for the privilege of you driving. But if you are riding a bus, it is a $4.66 subsidy from us, the taxpayers, to us, the bus riders. If you are flying on an airplane, the subsidy is $6.18 for every 1,000 miles we travel. It is what we pay us to fly.

When you get to public transit, it is quite a bit bigger. Could you make justifications for that? I am not saying we should not. But when you get to Amtrak, we are talking about $210 per thousand miles traveled, on average. We know on certain rail lines, certain routes, there is not much subsidy, Amtrak actually makes money. They have slightly improved in certain areas, especially with their latest data. But $210?

Now, if you take their total subsidy, which right now is $1.3 billion—which counts all the subsidies, both capital and others—if you were to take out the losses on food, you would save another $125 million to $150 million.

Nobody expects, when you get on Amtrak rail passenger service, that the rest of us ought to pay for your beer. Nobody expects we ought to pay for your 3 Musketeers candy bar. Yet, in essence, that is what is happening on Amtrak.

This amendment is fairly straightforward. What it says is three things:

It says Amtrak has to calculate and report quarterly to the Department of Transportation and Congress on the quarterly profits and losses, by route or rail line, of food and beverage services. What that means is they ought to know where they are losing their money, and we ought to know where they are losing their money.

The second thing it says is, Amtrak ought to restructure their food and beverage service contracts for any rail line that is losing money on its food and beverage services. This is not rocket science. This is that if you are going to sell it, you ought to at least sell it for enough to cover the cost. Yet we continue to not do that. We continue not to want to hold them accountable to do that.

Then finally, if they cannot present a way to be able to sell food and beverages at a break-even cost at least, then they ought to have to discontinue selling food or have a food service on it. And they have done it on one line because it was losing so much money. The question is, why haven't they either raised the prices or done it on the other lines?

All this amendment is is a management audit tool for Amtrak that says: You are going to tell us every 3 months by route where you are making your money. They need to know that anyhow. They don't right now. They do not account for it right now. They cannot tell you how much by line or route they are making or losing on food service. Any manager of any process knows if you do not know the information, if you do not have the metrics, you cannot manage it. If you do not have the metrics, you cannot manage it.

The history in this debate on Amtrak is interesting, because in 1997, the Amtrak Reform and Accountability Act of 1997 was supposed to solve all the problems, and by 2003 we were not supposed to have a subsidy in Amtrak. That is what the bill said. It said we will, in fact, by 2003 solve this drain of $1.3 billion per year coming out of everybody else's hands into those people who ride Amtrak. We have not had an authorization since 2003. This bill claims that, in fact, the subsidies will go down. But they will not. That is their numbers. That is the bill's numbers.

So now we are saying we are fixing the problem—except the problem continues to grow. If, in fact, we would fix the food service portion of this, the subsidies would do this, as shown on this chart. It would be a flat line. There would be no increase in subsidies—capital or otherwise—if, in fact, we were breaking even on all the food.

It is a straightforward amendment. I know there is some consternation with this amendment by the authors of the bill and the managers of the bill. I understand that. But the fact is, it is hard to explain to the American people why we are subsidizing a 3 Musketeers candy bar and a package of pretzels and a can of beer for people who ride Amtrak—and we are.

It is interesting; I fly every week, and my total travel time is 8 hours each way. I price bottles of water at airports. A bottle of water on Amtrak is $1.99. Do you know what the average price is for a bottle of water at airports in this country? And that is not even on the airplane. It is $2.49. Yet we are selling it 20 percent cheaper on Amtrak than you can buy it in an airport. If you buy it at a convenience store, you can buy it for 99 cents. But we have a captive audience.

The airlines know how to take advantage of that, and we are not subsidizing them, except for the $6, which we pointed out, per 1,000 miles. That comes to 6 cents a mile, by the way, versus $21 a mile for those on Amtrak.

So my hope is we will at least look at this issue and say: OK, if you are not going to manage it, at least look at the food side of it. Measure it. Then, if we want to come back in a year and take this amendment away, saying: OK, you have done it—with this amendment, if they start breaking even on the food, it does not have any effect on them, other than reporting. If they are not going to break even on their food and beverage service, what it says is: Give us a plan to show how you are going to do it. It is very simple. But if you are not going to do either of those, then stop losing money on food service and beverage service on Amtrak.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Mississippi.

Mr. LOTT. Mr. President, I believe we have a unanimous consent request we will propound in a few moments to get a time certain for a vote on this amendment. But we want to make sure everybody is OK with that before we do it.

I say to Senator LAUTENBERG, do you want to go ahead and propound that? We understand everybody has cleared that now.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, to be sure the RECORD reflects our understanding, I ask unanimous consent that the time until 11:45 a.m. be for debate with respect to the Coburn amendment No. 3474, the time be equally divided and controlled in the usual form, no amendment be in order to the amendment prior to the vote; that upon disposition of the amendment, the Senate then proceed to vote on the motion to invoke cloture on S. 294.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I wish to begin by thanking Senator COBURN for getting involved in the process. He made some requests last week in terms of needing more time to actually look at this legislation and think about amendments that should be offered. Senator REID agreed to that.

Senator DEMINT and Senator COBURN have both kept their commitments. Senator DEMINT offered a number of amendments. We have cleared, I think, four of them, and we are working on some others. Senator COBURN came up with two very serious amendments he is interested in and has indicated he would agree to a limited time for debate and have a vote. So I want to acknowledge that, first of all.

I too am concerned about some of the costs we have had at Amtrak. In fact, the last time we passed Amtrak reform, I included a provision in that legislation to allow food to be contracted out. Up until that point, it could not even be contracted out. It was all done in-house with Amtrak, and there was no good reason why that should have been limited that way. They still have not gotten the costs where they should be. But the opportunity is there for them to do that.

I want them to continue to work to get better prices and cut the subsidies, cut the costs, and also while providing good food. But I do think food—whether you are on an airplane or a train—is an important part of the service. I am not going to take an Amtrak passenger train from some remote area that is going to be on the rail for a day or maybe even overnight and not have

any food service. If you wipe out food service, you might as well terminate the route.

But I think this is an amendment that deserves discussion and consideration. This amendment, as I understand it, would require Amtrak to regularly report to Congress on the profits or losses relating to the provision of food and beverage service. We ought to have that. We ought to have all kinds of reports. It ought to be transparent. We ought to know where the costs are, where the profits are. We should increase the profits and cut the costs.

But to say you should limit such service on Amtrak lines that incur losses, what you are saying is you would have to terminate the lines because if you do not have food service, what are you going to do? Have a brown bag? Bring a lunch? Raise the price? I am for that. I think you ought to pay the costs for doing this.

But if we say: ''OK, if you cannot get this under control, we are going to terminate the line,'' what if the line is actually doing pretty good, but the food service is still costing too much? We should keep the pressure on, but I do not think we can, in good conscience, deny passengers food and beverage service on these long-distance rails.

Amtrak ought to lead more. They ought to address this question of food costs and get those costs down. I must say, we have not had particularly good success in the Senate either. We have had trouble controlling our food costs. But we have heard the stories about airline passengers stranded on planes with no food, and they could not get off the planes, and the kind of consternation that has caused.

Unlike air travelers who may deboard and maybe purchase food during layovers, rail passengers do not have time during stops to get off and come back on. Even if they could, most Amtrak stations do not have snack bars. There is the question of what, in reality, your options are.

Even in corridor service, we know providing food and beverage is essential. The improved food service, for instance, on the Acela contributed to a 20-percent increase in revenues during 2007. Of course, that is the gold standard. If all of Amtrak service was like the Acela, serving the numbers of people with the quality of service they have, and all that, then we would be a lot better off.

But the Department of Transportation inspector general found that Amtrak has reduced its food and beverage labor costs by $12 million over the past 3 fiscal years. I think pressure from the last Amtrak bill has been leading to this. They understand they have to do a better job. We believe that number can drop even further. S. 294 will reduce subsidies by 40 percent over the life of the bill. This includes section 210, which requires Amtrak to reevaluate onboard amenities and service, including food for these long-distance rail routes.

We want reform. We are pressing on this issue, and it is in the bill. In fact, I think some people, when they actually read this bill, have been surprised there are reforms in there, there are improvements that are going to be demanded. People might say we need even more. That is a legitimate argument. But that has been our goal. We want Amtrak to provide better service. We want Amtrak to be able to not lose money, to actually make money. But we want to have the national rail passenger system.

With this amendment, if a particular rail line suffers a loss on a food service, then they would be required to renegotiate the contract relating to food and beverage, including labor contracts. You might say: Well, even that may not be bad. But if a particular rail line suffers a loss in two consecutive years, they would be required to terminate food service on that line. Therein lies the problem. Amtrak would be permitted to reinstate food and beverage service on a discounted line only after a 1-year moratorium and the Secretary certifies a profit for food and beverage service would be generated on such rail line for each of the following 5 fiscal years.

I do agree this is a problem that should be able to be addressed. They just ought to do it. There is a simple solution: You change the service. You raise your costs. You get a different contractor. There are a lot of options. We should continue to press this point, but I don't think we ought to make it such that we wind up having to terminate service if we can't get the food situation straightened out. I don't think it is necessary given the other reforms that we have included in this bill. It goes too far, but I understand the intent. I want this service—I want improvement. I want the cost to come down. But I want a national rail passenger service. I have learned from past experience, don't mess with people's stomachs or you will get in real trouble.

In that connection I will not read the entire piece, but I refer to an article from Parade magazine that will be printed on November 4, 2007. Some of what it says is that with plane delays and high gas prices, Americans are asking: Can we save our trains? It goes into some detail about all of the delays and inconveniences and problems now—the congestion on our highways, the delays, the discomforts on airlines—and people are asking: Is there another alternative? That alternative should be a national rail passenger system.

But, surely, the Government and Amtrak, we could all do a better job of making it a good experience and living within their means. They have not done that. This bill, hopefully, in its present form, or with additional amendments that can be added, will pressure Amtrak to provide this service because I think we are going to need it for the future transportation needs of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, everybody knows the Senator from Oklahoma is meticulous in terms of his anxiousness to reduce the costs of Government in any way we can. That certainly is what is being attempted in this bill that Senator LOTT and I have introduced.

The amendment the Senator from Oklahoma has offered will slowly but surely eliminate one crucial component of Amtrak service, and that is its food and beverage service.

Passengers who take Amtrak's long-distance trains may be in transit for as long as 2 or 3 days, and some may be diabetic.

Unlike airports, most Amtrak stations don't have restaurants or snack bars where you can pick up a bite before you get on the train.

Mr. President, how much time do we have available?

The PRESIDING OFFICER. Just a little over 1 minute.

Mr. LAUTENBERG. Mr. President, I will summarize very quickly to say that on these long rides, a person may be diabetic, may need food. It is part of what rail transportation offers, and it attracts more passengers to know that they can be comfortable and still have some nourishment along the way. If we want to reduce subsidies, then we ought to look at the airlines where we are subsidizing them to the tune of $15 billion a year and say cut out the mini pretzels, cut out the little bag of nuts. It costs a lot of money when you multiply it by all of the passengers who get on airplanes.

The objective is to make Amtrak a more viable part of our transportation network, and I hope we will not start to pick things apart. Maybe we ought to look at what they do mechanically; see whether we can reduce a mechanic here or there. That is not what we want to do. All of this is going to be reported. I thank the Senator from Oklahoma for his amendment, but I am going to oppose it, and I hope all of our colleagues will.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is interesting that two-thirds of the airlines don't have pretzels anymore because they have to make a profit, and they have to report to their shareholders. So it is not there anymore.

We heard a statement that subsidies have been reduced by 40 percent. That is the operating subsidies. The total subsidies haven't been reduced at all. They are actually going up. They are actually going up by this amount over the next 5 years. These are Amtrak's numbers, based on this bill.

These are the numbers of the Department of Transportation, based on this bill.

Now, if you would break even on food service, there wouldn't be an increase in total subsidies. But none of us would

run a business with a loss leader that would continue to undermine our ability to put the capital into business and to stay in business. We would, in fact, make a change. This amendment gives them 2 years. It says, the first year—you get 2 years to lose money, so the first year if you have lost money, renegotiate it, raise your prices, cut your labor costs. The cost of food service on Amtrak is 52 percent labor costs. The average person doling out the food on Amtrak makes twice what somebody does in the private sector doing the same thing. So what we really have is a subsidy to the food service workers on Amtrak because that is 52 percent of the cost, rather than a subsidy to the food.

Again, the question the American people ought to ask is, should we be subsidizing somebody's beer and 3 Musketeers on Amtrak when we don't do it anywhere else? Isn't it common sense that if you are going to offer food service, you at least ought to break even?

What we know from the testimony of the head of Amtrak is they use it as a loss leader. The only problem is where they use it as a loss leader, they continue to lose more money. On their profitable routes, they make money on food service. So the question is, should we, in fact, subsidize food? Nobody wants a diabetic not to have food available, and that would not happen. That is why we put 2 years in here. The first year you recognize you have a problem, and the second year you fix it. This isn't an amendment that is designed to get rid of service in terms of train routes. This is an amendment that says none of us would run a business losing this kind of money. It is a quarter of a billion dollars the last 3 years lost on food, on Amtrak—a quarter of a billion dollars.

Mr. LAUTENBERG. Would the Senator yield for a quick question?

Mr. COBURN. I am happy to yield.

Mr. LAUTENBERG. Knowing the situation that we run into with the airlines where the people are stuck for hours at a time, is it a good idea to eliminate—as the Senator suggested, we are happy that we eliminated pretzels on the airlines. Is that a good idea?

Mr. COBURN. Mr. President, the difference is, that becomes a management decision of the airline, which has to compete. Amtrak has no competition. They have no competition. So, therefore, they continue to do things, because we will subsidize them, that somebody in the private sector would not do. That is a decision that is made that says—American Airlines saved $30 million last year by their restriction of food services. It was in the paper today, $30 million they saved on all the routes by a restriction of the food service. To them, in an airline industry that has been struggling, that is a significant amount of money. You know what. We still flew American Airlines; we just bought it before we got on.

The statement that there is no food available in all of the Amtrak stops is not true. That is true in the most remote areas, but there is food available.

So if we, in fact, would pass this amendment, and Amtrak would run the food service like any other business would run it, this number would become a flat line. In other words, we would go up here and then we would come across, and the American taxpayer would save about $1 billion over the next 5 years if, in fact, we would do that.

So the opposition—I want to finish my point. The opposition to this amendment is the fear that we may lose a route because we may not offer food service. I would be happy to offer——

Mr. LAUTENBERG. Mr. President, if the Senator would yield for one more question.

Mr. COBURN. Let me finish my point. I would be happy to offer the managers of this amendment, to make a second degree to this amendment that says on long-haul routes, if, in fact, there is no possibility you can never do it on a certain subsidy level, I will be happy to accept that. The purpose is that—we lose a quarter of a billion dollars subsidizing somebody's Heineken every day, every year, when we have this system where we don't make a management decision that is in the best interests.

Here is the real reason the decisions aren't made on food service. It is because they don't have to be because we are still going to put the money there. That is the real reason why it is not there.

In the private sector, it would have happened already. If there were private trains competing, I guarantee the prices would be higher for the food component of it. Nobody is going to lose it.

So it is a straightforward amendment. I have a couple of minutes left, and I am happy to yield for a question from the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I wanted to ask the Senator if he was aware that we differ on the amount of subsidy that goes into rail service food costs. It is only $80 million as we see it.

How would a rejection of all loss for food eliminate all subsidies, when, in fact, we subsidize the airlines that are for-profit businesses? Why should we then continue to offer them——

Mr. COBURN. Reclaiming my time, the reason we do is we subsidize for $6 per 1,000 miles traveled on the airlines, and we subsidize $210 per 1,000 miles of travel on the railroad. That is a significant reason we ought to be all the more efficient with what we do.

The Senator is correct. The last year, we only subsidized $80 million worth of food, but on average, every 3 years, it is a quarter of a billion dollars. That was my statement. So ask yourself, should we be subsidizing $80 million worth of food on Amtrak.

This is a straightforward, commonsense amendment that most Americans would say makes sense. We at least ought to cover the cost. If we can't cover the cost, then maybe we ought to renegotiate the contracts with the food service workers who make $43,000 a year who are selling you a bottle of water. Compare that to somebody who is working at an airport or a stewardess on an airplane who is serving you and who is making less than that.

So the consequences of our actions have great impact. Why is it important? Is it because of the subsidy we give Amtrak? Do you know what it is? It is borrowed from our grandkids. We can't deny it. We have the administration claiming a $160 billion deficit this year, and the real deficit is going to be $300 billion because we are going to borrow $140 billion from Social Security to pay for Medicare, and then we are going to borrow $200 billion to pay for a war that we are charging to our grandkids. So that is important because the subsidy isn't coming from us. It is coming from the next two generations.

I yield the floor. I understand all time has expired.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

The Senator from Oklahoma has 2 minutes remaining.

Mr. COBURN. I yield back any remaining time.

The PRESIDING OFFICER. All time is yielded back. All time has expired.

The question is on agreeing to the Coburn amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 67, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—24

Allard	Cornyn	Kyl
Barrasso	Crapo	McCaskill
Bayh	DeMint	McConnell
Brownback	Ensign	Roberts
Bunning	Enzi	Shelby
Burr	Gregg	Sununu
Chambliss	Inhofe	Thune
Coburn	Isakson	Voinovich

NAYS—67

Akaka	Bingaman	Byrd
Alexander	Bond	Cantwell
Baucus	Boxer	Cardin
Bennett	Brown	Carper

Casey	Johnson	Nelson (NE)
Cochran	Kennedy	Pryor
Coleman	Kerry	Reed
Collins	Klobuchar	Reid
Conrad	Kohl	Rockefeller
Corker	Landrieu	Salazar
Craig	Lautenberg	Sanders
Dole	Leahy	Schumer
Domenici	Levin	Smith
Dorgan	Lieberman	Snowe
Durbin	Lincoln	Specter
Feingold	Lott	Stabenow
Feinstein	Lugar	Stevens
Grassley	Martinez	Tester
Hagel	Menendez	Warner
Harkin	Mikulski	Webb
Hatch	Murkowski	Whitehouse
Hutchison	Murray	
Inouye	Nelson (FL)	

NOT VOTING—9

Biden	Graham	Sessions
Clinton	McCain	Vitter
Dodd	Obama	Wyden

The amendment (No. 3474) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 158, S. 294, AMTRAK Reauthorization.

Frank R. Lautenberg, Trent Lott, Joe Lieberman, Benjamin L. Cardin, S. Whitehouse, Robert Menendez, Daniel K. Inouye, Susan M. Collins, Mike Crapo, Larry E. Craig, John Warner, Byron L. Dorgan, Gordon H. Smith, Max Baucus, Bill Nelson, Robert P. Casey, Jr., Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 294, a bill to reauthorize Amtrak, and for other purposes, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 13, as follows:

[Rollcall Vote No. 398 Leg.]

YEAS—79

Akaka	Feingold	Menendez
Alexander	Feinstein	Mikulski
Baucus	Graham	Murkowski
Bayh	Grassley	Murray
Bennett	Hagel	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Bond	Hatch	Pryor
Boxer	Hutchison	Reed
Brown	Inouye	Reid
Burr	Isakson	Roberts
Byrd	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Cardin	Kerry	Sanders
Carper	Klobuchar	Schumer
Casey	Kohl	Smith
Cochran	Kyl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corker	Levin	Tester
Cornyn	Lieberman	Thune
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Dole	Lugar	Webb
Domenici	Martinez	Whitehouse
Dorgan	McCaskill	
Durbin	McConnell	

NAYS—13

Allard	Coburn	Inhofe
Barrasso	DeMint	Shelby
Brownback	Ensign	Sununu
Bunning	Enzi	
Chambliss	Gregg	

NOT VOTING—8

Biden	McCain	Vitter
Clinton	Obama	Wyden
Dodd	Sessions	

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the time during the recess period count postcloture.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SALAZAR).

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Mississippi.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

Mr. LOTT. Mr. President, we are working with the distinguished chairman of the subcommittee and the leadership on both sides to get an agreement worked out on how we proceed on this issue for the remainder of the afternoon. In the meantime, Senator DEMINT is here and ready to go on an amendment, and he has a committee markup underway also.

So unless there is objection, I ask Senator LAUTENBERG, could we let Senator DEMINT call up his amendment and go ahead and have a discussion on it?

Mr. LAUTENBERG. I agree.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senators.

AMENDMENT NO. 3467

I would like to discuss amendment No. 3467. Before I discuss the amendment specifically, I would like to talk a little bit about rail passenger service in America and Amtrak specifically.

I think one of the best infrastructure visions we could have as a country today would be to create high-speed passenger rail service that moves people economically and efficiently around the country. The irony is, as long as we continue to pour our Federal resources into the Amtrak model, we will never get to that vision of an efficient passenger rail service in this country.

It is clear from years of working with Amtrak and the model of using freight rails and Government subsidies to support an Amtrak system, we will never have a world-class passenger rail service through the Amtrak model. So I hope we as a Congress, as a Senate, particularly, can come to terms with the fact that if we continue to throw money at Amtrak, we will never have efficient passenger rail service.

Certainly, there are a couple of lines of rail service of Amtrak, particularly in the Northeast, that work well for a number of people. But the fact is, many Americans are contributing to the few passengers who are using Amtrak today. Taxpayers all over the country are putting their money into these few lines that work, even though very few Americans actually ever use these rail services.

As we discuss this final bill, it is important we remember that in the last year the Federal Government gave Amtrak $1.3 billion in subsidies, even though they carry less than 1 percent of the Nation's intercity passengers.

Amtrak is the most heavily subsidized mode of transportation in the country. In fact, every ticket people purchase from Amtrak has an average subsidy of over $210 per passenger per 1,000 miles traveled. We even have some lines where the subsidy reaches as high as $500.

My amendment does not change this. But it tells America the truth about the subsidies for each of these tickets people buy.

My amendment requires Amtrak to put on every ticket for the line they

are using the amount of subsidy the taxpayers are putting into the cost of each of these tickets. By doing this, we will force Amtrak to do what all businesses have to do, which is to track the real cost of every product they sell.

Right now, it is very difficult to determine actually how much Amtrak spends on each of its lines of service. But by requiring they put the cost of the subsidy on every ticket, they will have to calculate the cost—which is the revenue and the losses—for each line in this country.

Every business should have to do it. Amtrak should as well.

It is the only way we can get a handle on actually how much we are spending for each line and hopefully determining, after a while, which lines make sense to continue and which lines should be eliminated.

So I encourage all my colleagues to vote for this amendment. It does not do anything to reduce funding for Amtrak or put any additional restrictions on them. But it does require them to show America what the real subsidy is for every ticket they sell.

So I say to you, Mr. Chairman, I reserve the remainder of my time and look forward to your comments. Hopefully, we will have your support on this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

CHIP

Mr. REID. Mr. President, I have had a number of conversations over the last 24 hours with the Speaker, Speaker PELOSI, with the Democratic leader, STENY HOYER, Senator HATCH, Senator GRASSLEY, and others who have indicated on the CHIP matter they need more time, they have had conversations with Republican House Members who voted not to override the President's veto, they are having conversations with people within the administration, trying to come up with something on CHIP, and they need more time.

My first inclination, after having heard this, was, well, we have waited long enough. But after having spoken to these Senators—Senator HATCH, especially, has been working hard. They have already had meetings with Republican House Members. Senator BAUCUS, I have spoken to him at great length, and he is also having meetings with some of the Republicans in the House to see if there is something that can be worked out. I do not know if there can be.

But what we have done with the matter that will shortly be before the Senate: As to childless adults who are in the program now, under the original bill we passed, they would be phased out in 2 years. In the bill that is now before this body—or shortly will be—they are phased out over 1 year. So we cut that in half.

Ninety-two percent of the people drawing benefits—and the ''people'' are little people, are children drawing benefits from this program—92 percent of them are in families not exceeding 200 percent of poverty. And 200 percent of poverty is about $40,000 a year for a family of four. We have only one State above 300 percent of poverty, and there are maybe five or six States from 200 percent to 300 percent of poverty. So we have said there will be no waivers above 300 percent of poverty. We have changed along that regard.

We have tightened down the language as it relates to illegal children drawing benefits. Under the original bill we passed, illegal children could not get the benefits. You had to be in the country for at least 5 years, with proper papers, and then you could, after having been here 5 years. So we have tightened everything down. We have changed that, hopefully, to pick up some more votes.

At this stage, Senator HATCH and others have said to me: We need a little more time. We would like—because Senator HATCH and Senator GRASSLEY were in on the changes we made. They were not done by Democrats. For every meeting held, they were in on the meetings. But they said give us some more time and maybe we can come up with something else. I am willing to do that. We are willing to do that. I would hope the Republicans mean that, that they do need more time.

So what I would be willing to do—and when I say ''I,'' it is not me—but what we would be willing to do is to put the vote off on CHIP until we finish the farm bill. I am going to do the farm bill next week. I am not going to go to it this week. We would go ahead and finish Amtrak and then move to something else. What it is, I don't know. I will try to come up with something that would be without a lot of pain to anyone. There are many things we have to do that are bipartisan in nature that I think we could go to.

I had originally considered offering a unanimous consent request where we would move off CHIP and go to it when we finish the transportation bill, and in exchange for that, give me permission to go to something else. I have withdrawn that. I don't want any excuses. I don't want anyone saying: Look, we would have done that, but he was demanding what we go to next, and I am not going to do that.

So I am going to recite into the RECORD a unanimous consent request which will say basically that we will move off CHIP, giving Senator HATCH and others time to negotiate to see if they can come up with something that is agreeable to the body, and maybe we can do CHIP so that—and the only requirement I think that Senator HATCH, Senator GRASSLEY, Senator BAUCUS, I, the Speaker, Congressman RANGEL, and Congressman DINGELL have is that we cover the same amount of kids. We tried to do that in some fashion. Right now, if we don't do something, the number of children covered will drop from 5.5 million to 4.5 million. That is the way it is. Those are the facts, and we can't change that. If we passed our bill, the one that got 69 votes in this body, instead of having 5.5 million, we would have 10 million children who would be covered.

So I hope we can do that. But anyway, without belaboring the point, what I am going to ask permission to do is that we move off CHIP at what time it would occur naturally and take it up when we finish the farm bill. The rest of this week we will be working on something else. What that will be, I will certainly consult with the Republican leader. But right now, whatever I do, unless I get consent from the Senate—not only the Republicans but the Senate—I would have to get consent to do that or otherwise I would have to file cloture on a motion to proceed to it. So there are no surprises in that regard.

So I ask unanimous consent that the cloture vote be vitiated with respect to the motion to proceed to the CHIP bill, H.R. 3963, and the Senate begin consideration of that bill following the disposition of the farm bill, H.R. 2419.

As I have indicated, we are not going to move right to the farm bill. We are going to wait until at least Monday to get to the farm bill, as I have indicated.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, if I may do that, and address some comments to the distinguished majority leader, and maybe even some questions, first of all, I think we have made good progress on the Amtrak bill. The leader was considerate of allowing it to go over until today, and our colleagues have fulfilled their commitments to be reasonable with their amendments, and we believe we are ready to go to Senator DEMINT's amendment and get a vote on it at a certain time. I believe we could be very close to going to passage also.

With regard to vitiating the cloture motion on the Children's Health Insurance Program, I can't see any reason why we would object to that, but we ought to continue to try to find a solution. Unfortunately, there has been no real consultation with the leadership on this side of the aisle by those who have been having all of these meetings, and we still have not involved the administration in trying to get a solution that we believe we could all get broad agreement on and avoid going back and forth on bills and vetoes. But to take more time—we still hope you will come up with something that will be supported broadly and signed by the President. But the idea that we would then agree for this to go automatically to the farm bill, we would have to have—

Mr. REID. I am not asking unanimous consent for the farm bill; I am just going to go to the farm bill.

Mr. LOTT. But SCHIP would come back automatically after the farm bill.

Mr. REID. After we finish that, yes.

Mr. LOTT. After a discussion with our leadership, at this time we would have to object. We don't object to vitiating the cloture vote on the CHIP bill,

but we want to make sure we understand we are not agreeing to automatically going to the CHIP bill after the farm bill. So based on that, I would object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, it is hard for me to comprehend the logic of the objection. We are not asking unanimous consent from anybody as to what we are going to go to next. If the minority wants to object to going to the farm bill, they have the right to do that. I think it would be unusual for them to do that, but they have a right to do that.

We filed our 50th cloture motion, and it was my favorite. It was my favorite because it was bipartisan. It was the first bipartisan cloture motion we filed all year. It was on Amtrak. If we have to file cloture on the farm bill, that is fine. It would just take us a couple of extra days to get to the substance of the bill.

But I would also say it would seem to me that if the Republicans are sincere in wanting to do a CHIP bill, unless I am missing something, what better opportunity would they have? I have said let's get off this bill. As we all know, to finish the farm bill could take a little bit of time. I would hope we could finish it in a week, but as we know, in that week it could be interspersed with an appropriations conference report. We have to do the CR. So I can't imagine our finishing the farm bill very quickly.

But I was told initially on this CHIP matter that they needed 2 days to try to work something out. They are going to have well more than 2 days. It is not as if the Republicans have been in the dark. Remember, the two advocates for this—we would not have had a CHIP bill but for Senator GRASSLEY and Senator HATCH. They were part of everything that took place in this bill. When the bill was not overridden—when the veto was not overridden and the bill was rewritten in the House, it wasn't rewritten by the House; it was rewritten by the House and Senator GRASSLEY's staff and Senator GRASSLEY and Senator HATCH. They were in on every word put in this new bill.

As far as the administration, it would seem to me if they have a couple of weeks, then that is what this will basically give them, 10 days to 2 weeks. That gives them lots of time to work with the administration, Secretary Leavitt, or whoever they want to deal with it. Leader PELOSI and I asked the President the day he vetoed this bill—because he kept saying: I want to meet with the leadership. Speaker PELOSI asked him in the morning; I asked him in the afternoon. He said: I am not going to meet with you. So we have tried. We want to be reasonable. This is an important bill. It deals with children. It is bipartisan. This is not a Democratic bill. It is a Democratic and Republican bill.

So I have heard the objection. I understand English. I would hope, though, that this afternoon my friends would reassess this; otherwise, we will go ahead and vote, as we have, on a motion to proceed to it.

It seems to me it would be a little difficult, as fair as we have tried to be, for people to change their votes on it. But miracles never cease, and the Republicans, I am sorry to say, have been pulled in as puppets in the past during the almost 7 years this man has been President, and maybe they can do it again. I would hope not on an issue this important.

I repeat, we simply want to have the Republicans get what they want. Can't they take yes for an answer? We have said, you want more time? This isn't an idea I came up with. The Republicans came to me and said they needed more time. Senator HATCH called me last night. I talked to him twice last night. I talked to Senator GRASSLEY yesterday; and Senator BAUCUS, I called him and said: Is that OK with you? He said: Yes, that is OK with me. So I don't know how we could be more reasonable.

What happens if they don't do this? We are going to go ahead and vote on the motion to proceed and vote cloture on the bill. If that is what they want, that is what we can do. But I don't know how, when somebody says will you do this for me, and we say yes, they say no.

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. LOTT. Mr. President, with regard to Senator REID's comments, I don't see any problem with vitiating cloture on the so-called CHIP bill, H.R. 3963. If the leader would like to do that, I assume after consultation with Leader MCCONNELL there wouldn't be any problem getting it done.

The problem is, say that after the farm bill you would automatically go to the CHIP bill which would preclude debate time on the motion to proceed, if necessary. To put that after the farm bill without full rights of the minority would be a concern. First of all, we don't know when that might come. It could come 2 weeks from now, right up against a date when we are supposed to be going out for the Thanksgiving period and we don't want to short-circuit that. But if we could work out something where our rights would be protected with regard to the CHIP bill instead of just going automatically to it after the farm bill, it looks as if that is something that could be worked out.

Mr. REID. Mr. President, I have a deal. Again, trying to be more reasonable than I probably should be, but in an effort to try to be fair, I would consider offering a cloture vote on the motion to proceed to CHIP following the farm bill, and if cloture is voted, go directly to the bill. That way we don't lose the 30 hours. This would give people—if people felt aggrieved that they weren't treated properly during this period of time. I just don't want to lose the 30 hours because that is time toward the end of the session, and we are desperate for time for things that need to be done.

Mr. LOTT. Let me say, if the Leader will yield, you are making an effort, and I think we will need some time to consult with our leader to make sure he is aware of this. I understand the leader doesn't want to have time used that is not necessary. But we have another unanimous consent agreement. We have an amendment that is pending. In the meantime, I will check with Senator MCCONNELL and see what he is thinking.

Mr. REID. I would say to my friend, in fairness, I talked to Senator MCCONNELL prior to lunch, but it wasn't in any detail. I told him generally what I was going to do. So I think it is appropriate to take a little more time, and we can all come out later and try this again.

But I want the record to be spread, if anyone can come up with a more fair proposal than I have offered, then they should come to the Senate floor because I have basically given those people who have wanted more time—and those are the Republicans—everything they have asked for.

By the way, I also want to say not only do I appreciate the Senator's comments about moving forward on the Amtrak bill, but this is a bipartisan piece of legislation, and I was maybe being a little flippant, but I was very serious. I think it is wonderful. We had a bipartisan cloture motion filed. We need to do more of those, if possible.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that there be 20 minutes for debate with respect to the DeMint amendment, No. 3467, prior to a vote in relation to the amendment; that no amendment be in order to the amendment prior to the vote; that the remaining pending amendments be withdrawn; that no other amendments be in order other than a managers' package of amendments that has been cleared by both managers and leaders; that upon disposition of these amendments, the bill, as amended, be read for a third time, and at 4 p.m. the Senate proceed to vote in relation to the DeMint amendment; and that upon disposition of the DeMint amendment, all postcloture time be considered yielded back and the Senate proceed to vote on the passage of the bill; further, that the cloture vote on the motion to proceed to H.R. 3963 not occur prior to 6:30 p.m., Wednesday, October 31 or at a time determined by the two leaders on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe now we are ready to go forward with the pending DeMint amendment.

Mr. President, we agreed to 20 minutes of debate on the DeMint amendment, once the Senator arrives. I believe we are sending a note to him. He had to go to a markup in the Commerce Committee. He has amendments

he wants to offer. He will be back momentarily to offer those.

In the meantime, I want to respond to some of the things the majority leader was noting. I wanted to do it when he was on the floor, but it is important to try to work through these unanimous consent agreements.

Let me say that on the effort to vitiate cloture on the motion to proceed to the Children's Health Insurance Program, it was noted that it had been requested by Republicans that 2 more days be given to work something out. I note that I don't believe that request came from the Republican leader, Senator MCCONNELL. Members on both sides of the aisle have to recognize that our leaders are our leaders. Our leaders have to be consulted on parliamentary procedure and also on timing. So when one Senator—Senator HATCH—says give me 2 more days but there is no contact or consultation with our leadership on this side of the aisle, that is a problem.

Also, we want to make sure we don't give up our normal rights, the regular order. I am concerned about going to some other issue after the Amtrak bill and then going to the farm bill next week. They have been on the farm bill we don't know how long, and at the last minute we may call up a bipartisan agreement, but it will not resolve the agreements on SCHIP.

We must focus on poor children. I am concerned with the present condition of the bill. My analysis is that this bill costs more than the bill that was vetoed, and fewer children are covered. It has an express lane for illegal children to go into the program. There is a multitude of problems with it. The biggest problem is we are still talking about over $35 billion. Instead of trying to come to a compromise on the money that is necessary to cover poor children first, it is still not going to get adults off the program. My observation has been when you let adults get on a program intended for children, you crowd children out.

There are huge problems in the status of the negotiations, which are going on by a group that has not included the Republican leadership or the administration. I don't know who met with whom, or why, or why not. We ought to work this out. I don't like playing games with a program such as this. I stood on this floor and spoke when this program was created. I believe in it. I thought we were going to focus on poor children and not continue to raise the income levels that were covered to 300, 350, or 400 percent of poverty and put it into the program. We need to look at the formula. Some States, such as mine, run out of money year after year because the formula doesn't deal with the realities of the needs of the poor children.

There are multiple problems with what is going on. I am very concerned, on our side of the aisle, about some of the involvement of some of our people without consultation with our leader.

The incurable attitude around here is evidenced by this bill. You can find a way to fight and have a disagreement or you can find a way to work together. This Amtrak bill is, I believe, on the verge of passing by a wide margin. If the House is smart, they will not put poison pills in it and try to explode it. Let's get real reforms and put some pressure on Amtrak. I want a successful national rail passenger system. Do I want subsidies for individual passengers to be reduced? Yes. Do I want the cost of meals to be subsidized by the taxpayers? No. Do I want a strongly led, effective national rail passenger system? Yes.

Let's try to make that happen. But it is not going to happen instantly. We have to set up a process, require reforms, and give incentives to do better.

One of the things I think is going to help, which some of my colleagues on this side of the aisle have referred to, is we are going to have more intercity service as a result of this bill. We have a program specifically aimed to help States set up interservice transportation between not just New York and Albany but sites all over the country where States can do more, where there is a way to get an opportunity to do more to have intercity service.

We have language that will start toward a situation where freight lines can bid to provide the service on these lines. We do it with a pilot program. We don't just say anybody can come in; we say one the first year, two the second year, but we will work toward seeing if others can offer this service more efficiently, effectively, and more cost responsible.

I am very much concerned about how these negotiations are going on on the Children's Health Insurance Program. There is a meeting going on down the hall now that doesn't include the leadership on our side. Fifty staff people have been standing out in the hall. I have a novel idea: I think Senators ought to be involved—men and women of good faith and intellect who understand these problems. We don't have to have our staffs do this for us.

The same is true with Amtrak. Senator LAUTENBERG and I have worked on this for at least 3 to 5 years. This is the third Amtrak reform I have been involved in. I apologize for the other two not doing everything we wanted them to do. We have made progress. It didn't do as well as it should have. Now we are trying again. I say to the Amtrak leadership and the Department of Transportation, first, we are giving DOT more involvement in what Amtrak does. No President has made Amtrak work the way it should. They don't pay enough attention to it. And it is not partisan; I don't think this administration is or that the previous administration was.

This legislation will help us move in the direction of a national passenger rail system. I don't want to go into great length. I don't have to object when the leader makes a request to lock in the agreement to basically finish Amtrak this afternoon and then do something else this afternoon—we don't know what—and on Thursday and Friday and then come to the farm bill next week. Then to go automatically to a CHIP bill, which we don't know what it is going to be, and we give up our rights of regular order, that is not a good arrangement.

I hope the two leaders will get together and proceed to another bill tomorrow. I don't know what it might be. I represent a farm State. I hope we can get a good farm bill and do it in a reasonable period of time. I worry that we are not wanting to get an agreement on the Children's Health Insurance Program. Some people are saying $35 billion or bust. Others are saying we are not going to go to $35 billion. The President is at $5 billion. The earlier bill the President vetoed was at $35 billion. Now the new bill is $35 billion. Is there not an area between the two? I have done negotiations around here for years, in the House, in the Senate, and in conference. When one side is at 5 and the other is at 35, what is half of that? It is a little over 15. Would that work? What is the solution? Is it 20? How complicated is that?

But we need to put the emphasis on the poor children first, quit this budget creep we always get into, adding more and more children at higher income levels, and now we have adults and other loopholes in this program that I think we need to be very careful about. Can we do it? Absolutely.

I introduced a bill a month ago that was probably in the range of where the compromise ought to be. By the way, it was about double what I thought we needed to do when we started out, but I moved up. I hope the two leaders will get an understanding of what the process is going to be and move forward on all of this legislation.

Mr. President, we are now waiting for Senator DEMINT to return.

I will yield the floor so Senator LAUTENBERG may comment on the bill or on other issues.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I want to start off this discussion by saying how much I appreciate working with Senator LOTT and with other Members of the Senate in terms of the amendments. They were offered and considered, but we moved with a degree of dispatch, indicating to me that this is a bill that is wanted by a significant majority of the Senate. That is representing what we believe is a significant public opinion about whether Amtrak ought to be brought up to date and be part of the transportation system that can help relieve other transportation modes of the congestion, pollution, et cetera, that we face constantly in our country right now.

I think the amendment that has been offered by Senator DEMINT is not one of those amendments we would accept—the notion that each ticket a

passenger carries should identify the amount of subsidy that goes into that passenger's ride. I think it is wasteful and I don't see any benefit to travelers or taxpayers. Can you imagine the complication that is involved here? You don't know how many passengers are going to be on that leg and the subsidy has to be divided among the number of passengers. How far is each passenger going to travel? That would also indicate a part of the subsidy. You cannot take a mathematical formula and apply it to this percentage or to this particular passenger's ride.

We all know what is afoot here. I generally agree that transparency is good when it comes to Federal taxpayers' dollars. But this amendment is not needed. It carries the request that Amtrak publish subsidies on its Web site. It already publishes subsidies information per route on its Web site every month as part of its financial report—the general information related to those routes, not individual subsidies per ticket.

Amtrak also provides details on every dollar and dime of its finances to the Department of Transportation and the Congress on a continuous basis. The DeMint amendment would provide travelers with redundant information and, frankly, waste Federal funds.

As I indicated in my earlier comment, it would also be logistically almost impossible to do what this amendment calls for—to determine the subsidy for each rider and print this information on a ticket. These numbers change depending on how far a passenger rides the train. Even if they did not, Amtrak would have to redesign its online reservations and ticketing system for customers to get this information. One doesn't have to have been in the computer business, as I was, in order to know it would take an incredible amount of time and energy to get the software up to date and get the information in on time for it to be printed with any degree of accuracy on the ticket. It is the kind of added cost and redtape that taxpayers are disdainful of.

We don't require the same printing burdens on the airlines, and we have provided some $20 billion to that industry in the last 6 years.

Americans already understand our Nation's passenger rail system requires subsidies, just as rail systems in other countries. What American travelers care about is receiving high-quality and convenient rail service as a result of that subsidy, and this amendment is not going to do anything to help us in those areas.

Senator LOTT has indicated he and I have worked on transportation issues for many years. Finally, the public is so immersed in congestion, in lost time, in delayed and missed appointments, and with the price of gasoline going up as it is—I recently saw a prediction from someone engaged in the oil industry in the Far East that oil was going to be up to $200 a barrel in the not-too-distant future. Do we want to continue to subject the American public to these outrageous costs for this fuel, or do we want to try to achieve some balance in our transportation systems? Trains are much more economical, reduce congestion, reduce pollution, and can establish a level of reliability we can't get out of the aviation system.

We talked about whether we might abandon food and beverage service on the rail lines. We took a vote and it was soundly defeated. But as I listened to the debate, I wondered whether next we would be debating separate charges for the oil and bearing grease that is used on the wheels of the train cars and locomotives, and maybe we can separate out further expenses, maybe paper used in hand towels and items of that nature and reduce the number of those used. We cannot deal with such small matters if we want to get onto doing something that helps the country function more efficiently.

This bill has truly got bipartisan support. We see it not only in the leadership that our friend the Senator from Mississippi applies so skillfully, but there were quite a number of colleagues on the Republican side who joined in to get this bill as far as it is.

We have almost miraculously come to a consensus that says after years of working towards this goal, we are going to get to a positive conclusion toward the reauthorization of Amtrak. It doesn't mean all the problems were solved by a long shot, but it does say we want rail to be as well treated as well as our other means of transportation. We spend some $40 billion each year on our highways, and aviation, unlike Amtrak, is a for-profit business, and we are still giving subsidies to the airlines each and every year and, as I mentioned, over $20 billion since 9/11.

When we look at the possibilities of rail service and see that in Europe, for instance, from Brussels, Belgium, to Paris, France, is 200 miles, about the same distance we are from New York City, they do it in 1 hour 25 minutes. Here, if we use an airplane, we can be sure that one out of four flights is going to be late in departure and usually late on arrival.

If we could get Amtrak to improve its service so we can reduce the amount of time it takes—I had the good fortune this morning to take a 7 o'clock train out of New York City. I live in New Jersey, but it was convenient for me to get to the terminal in New York City. I arrived 2½ hours later, city to city—New York City to Washington, DC. We didn't shake, rattle, and roll all the time. It was nice; if you wanted to have a coffee or write or read, it was reasonably comfortable to do that. That is what rail passengers deserve all across this country—adequate service.

We are anxiously awaiting a vote on the next amendment, which has been ordered, and final passage on the Amtrak bill.

I thank my friend, Senator LOTT, for his cooperative manner and his leadership throughout the issues we have faced in this body almost all the years I have been here. We have served together a long time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I again say to Senator LAUTENBERG, I have enjoyed working with him on transportation issues—from aviation to highways to highway safety and certainly the rail area and most particularly with regard to Amtrak and the national rail passenger system.

Earlier today, I referred to a ''Parade'' article that will be printed on November 4, 2007. This is a great article. I am going to be quoting some very interesting items that are included in this article because they are so applicable to our debate:

> Americans spent about 3.7 billion hours stuck in traffic last year, burning gasoline whose price had soared by 60 percent.

And probably going up.

> At the airports, security lines snake endlessly, runways are choked, and delays are common. One recent study found that between January and August 2007, one in four flights arrived late; 159 flights were kept on the tarmac for more than 3 hours in August.

I heard a story one time about a friend of mine, a Congressman from Missouri, who went to the airport and wanted to check three bags. He told the attendant: I would like this bag to go to St. Louis, this bag to Kansas City, and this bag to Chicago.

They said: You can't do that. Why would you want to do that anyway?

He said: Well, that is what happened to my luggage last week.

There are certain indignities that go along with this. I don't want to attack airlines. We need to do more in aviation. We need a modern aviation control system. We should be critical when they do things that are indefensible, such as keeping people trapped on a plane on the tarmac.

We need to be thinking about our transportation system in the air in the next generation, how are we going to make it safe, how are we going to deal with congestion. Let's not stand here and complain; let's act on it. That is why I am supporting an FAA reauthorization bill that includes funds for modernization. Senator ROCKEFELLER from West Virginia and I have worked together on that legislation. He has been courageous, staking a tough stand. Everybody wants modernization; nobody wants to pay for it. We have had some serious recommendations, and I am still hopeful that we can resurrect that bill. That is another reason why we need this particular legislation.

''Trains use one-fifth less energy than cars or planes.'' I know this is something the Presiding Officer from Vermont cares a lot about. This makes environmental and conservation sense. They are business efficient, tourist

friendly, and that goes not only for the Senator from New Jersey who came down this very morning, but the Senator from Oklahoma, Mr. COBURN, who said he was in New York City and came down on the train. It cost less, it was very pleasant, and it didn't take as much time.

Why shouldn't we try to do more of that? By the way, it is not just about the eastern seaboard. We want a national passenger rail system. But one of the keys, as I mentioned earlier, is intercity connections. We are not talking about just going north, but talking about an intercity connection between DC and Charlotte, NC. We are talking about Portland and Seattle, Chicago and Detroit. We are talking Miami and Jacksonville. And we provide additional assistance in this bill through the State Capital Grant Program for intercity passenger rail projects.

The grant program makes grants to States or groups of States to pay for the capital cost of facilities and equipment necessary to provide new and improved intercity passenger rail. The Federal match is 80 percent. Projects are selected by the Secretary of Transportation based on economic feasibility, expected ridership, and other factors.

By the way, that is the same arrangement we have with highways. People say: Oh, my goodness, subsidy of a rail passenger system? Well, yes. We have a subsidy for airlines, and we have a subsidy for highways.

I wish we didn't have to have a subsidy. I do hope we do a better job of running Amtrak. I think some progress has been made. I still say former Chairman of Amtrak, David Gunn is a good man and did a lot of tough things and would have done more if he had been able to stay on. I wish him well.

By the way, how much money are we subsidizing Amtrak? Last year, the funding was $1.3 billion, the same as it was 25 years ago. We haven't even accounted for a piece of the inflationary impact.

I want modernization. I don't want the Acela, this nice train running from Washington, DC, to New York and Philadelphia and then have me have to ride some raggedy train from Meridian, MS, that bumps and grinds and drags along and eventually comes to Washington. I want to have something like the Acela, also. We are going to have to have capital improvements. We will have to modernize. We can't tell the people we want you to consider the alternative of rail passenger if it is not on time, if the food has been pulled off the trains, and the equipment is pathetic. It is probably going to be an overnight trip. You have to have some modicum of comfort to take advantage of this alternative.

I have a feeling—and it is not a good one—that we are going to have gridlock and congestion, maybe even safety threats. We are going to have to have a national passenger rail system. I would rather ride on a sleeper or a nice passenger car than in a cargo-type boxcar. That is the way a lot of people have traveled in years gone by, boxcars.

We are trying to do something responsible to make a difference for the American people and deal with our transportation needs in this country.

I do want more transparency. I do want them to cut out the waste. If food costs are being driven by 52 percent labor cost, change it. Raise the cost, do whatever is necessary. But I am tired of people complaining about it and nobody doing anything about it.

I urge the Amtrak board: Get engaged. On transportation, I have urged this administration and the previous administration: Lead us, push the edge. Yet we have had to drag administrations into this area, which is one of the few areas, in my opinion, philosophically, the Federal Government has a role—interstate transportation. You can't do it alone if you are a poorer State, such as Vermont, Montana or Mississippi. It has to be between States, it has to be supported by the Federal Government. It creates jobs. When we build a highway, when we extend a runway, when we improve a terminal and make it safer, make it where the transportation safety administration can do its job, when we lay more railroad track, when we put more trains on that trackage, when we provide good service, jobs are created.

I have absolutely been convinced, in the last 10 years of my career, that transportation is key to future of the country. Infrastructure, yes, industrial sites, water, all that. But lanes, planes, trains, ports, and harbors, if people can't get there, whether it is an individual, a corporate executive or international, multinational company, they are not going to come. If they have to get there on a dirt road—no. They are not going to come. If they can't get decent commercial service, they are not going to come.

This is just a part of the package. It is the kind of thing we can do in a bipartisan way. One of my big problems this whole year is we have looked for ways or issues that we fight over. ''We are defining our base.'' ''We are defining our party.'' Baloney. I didn't come here just to define a party. I think we ought to be trying to find a way to do some things for the American people. It doesn't have to be the grand design of tax policy or budget policy. No, it can be national rail passenger system. It can be something smaller that we can work together on that produces a real result. Let's quit looking for ways that we can fight. There will be plenty of time for that. Let's look for things we can do together that have broad support.

I will be involved when that time comes. I am in and out of here—around here all the time, on a bipartisan basis, because I just can't stand the idea of just being here and producing nothing. I have been told, in a way, I have some sort of congenital defect; and that is a desire to get things done. I hope that is what the moniker on my tombstone will say: He died trying to get something done, something that people care about in this country.

I am getting a little carried away. I am sounding like a preacher. I apologize. But I am passionate about this. I feel a little offended. Some people are sitting here saying this guy is from Mississippi, what does he care? I care because it is right for our whole country, not just for my State. I don't have a vested interest, thank goodness. Yes, we will have a little Amtrak service, not a whole lot, but we will have a couple of lines that come blowing through my State. We will be glad to have them. We hope they will stop a couple of times and pick us up and take us to New Orleans or take us to Atlanta or take us to Chicago.

But Europe and Japan and other countries have done this. I don't like to emulate those countries in a lot of instances, but if they can do it, you are telling me we can't do it? It is just a matter of us making up our minds that we are going to do this, and I hope we have made up our minds this time and we are going to do something that will really help the national passenger rail system.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, Senator LOTT was speaking about the larger assignment that we have in front of us rather than simply a party allegiance. There is no doubt that long before we were Republicans and Democrats, we were Americans. If we keep that focus in mind, I think we can help our country achieve some of the goals that we need to examine.

Look at the conditions that have overtaken America—I will use that word—and look back at the population. In 1970—1971, when AMTRAK was taken over as a quasi-public corporation, the country had 200 million people. Now, barely 35 years later, we have 300 million in this country of ours. Imagine, 100 million more people, and we are still depending on a rail system that was largely developed far earlier than the 1970s.

I think Senator LOTT was absolutely right when he spoke about our need to bring the aviation system up to date as well. We have narrowed the separation between airplanes to one thousand feet vertically. That is not designed to scare anybody because the Federal Aviation Administration (FAA) can handle it, but the FAA does say we are squeezing whatever spare air we have to fill the airspace. When we look at the lighter jets coming into service, it is expected that there will be some 5,000 new very light jets in the sky in the next 10 years. We see the planes are filled constantly and ways have to be figured out to make air service more reliable.

I repeat something that has been said many times: One out of four flights is late today. One of the airports that suffers from these delays is my favorite

airport, and that is Newark Liberty International Airport in New Jersey. We have to learn different ways to do things because, as has been said, the air time to fly from Newark or LaGuardia—I live in between because I live in that part of New Jersey near the Washington Bridge, so I live midway in between. So I can go to either airport for service.

But what has happened is I have been on the airplane many times going up from here to our region and I hear the pilot say: Good evening, the weather is fine, the flying time to Newark Liberty Airport is 38 minutes. Since there are no weather delays we should enjoy our trip up there, and I hope we will be able to close the door soon and get on our way.

In this particular flight that I am thinking of, the pilot closed the door, we were pushed out with the truck to get into place, and the pilot said: Oh, we just learned air traffic in the New York area is fairly heavy, and our takeoff time is an hour from now.

An hour from now, for a 38-minute flight. I looked at my watch many times and couldn't wait for the hour to pass. The pilot gets on the air and says: We have just been advised that we have 23 minutes longer than expected.

By the time that 38 minutes flying time got through, it was 3 hours of time passed.

I just told the story about taking a train down this morning from New York Penn Station, and it was 2 hours and 35 minutes. I was in the city, so I didn't have to travel a half or three-quarters of an hour to get to the airport, and then to be there a half hour or 45 minutes early, so the time consumed just doesn't balance out.

We have to get on with this opportunity to improve our transportation systems because we are being forced into it. We have not planned adequately enough to accommodate travel in our country. We have to act, because we know things are going to worsen, not get better automatically.

As we deal with problems—the occupant of the chair, the Senator from Vermont, and I—we are dealing actively with global warming because of emissions that come from cars, from buildings, from industrial sources, from all kinds of greenhouse gas sources that are creating global warming. Global warming threatens our families directly. It is said by the most auspicious scientific advisory groups—the National Academy of Sciences, the Union of Concerned Scientists, National Science Foundation—they are saying: Get on with it. You have a 10-year window during which time you can do something about arresting the growth of global warming that will make life quite different on our planet than we are used to.

When we see ecological disturbances, like male fish in the Potomac River carrying eggs—not the female fish—that is an ominous sign. When we see polar bears on floes that are ragged, watching as the ice melts from under their feet, it is an ominous sign. When we understand that, if the ice melts—and the occupant of the Presiding Officer's chair and I and other Senators were in Greenland not too long ago and watched ice melt, not in little rivulets but almost like waterfalls, and the forecast is that if that ice melt continues at the pace it is, within 50 years the seas can be 20 feet higher than they are. We have to get on with it.

This is an opportunity to make a contribution to the reduction of greenhouse gases and arrest the momentum of global warming. That rail bill we have is an essential factor in that area.

How about the experience this country has had in these last years when two nuclear energy plants were built, one in New Hampshire and one in Long Island, NY, that had to be virtually abandoned because there was no sensible evacuation route. Rail makes a difference. If rail had been used in Louisiana at the time of Katrina, a lot more people could have escaped some of the fear and the anxiety and the deaths and illnesses that struck people as a result of that terrible storm. Let's get on with it.

We have a commitment under the regular order of business to vote at 4 o'clock on an amendment that talks about showing the subsidy per ticket, offered from our colleague from South Carolina, to make certain that we identify how much we are spending on a subsidy.

We are not saying the same thing has to be done on an air ticket. Aviation is essential. Airlines helped connect this country. We are able to get coast to coast, long distances, in a relatively short time. We subsidize these for-profit companies. They are businesses. Amtrak is a not-for-profit company, so we are going to have to subsidize it. I think now what we are saying is we are stepping up to the plate and getting on with it.

I hope my colleague from South Carolina will be able to join us because the time now will be charged to the time allotted for debate. I am going to suggest the absence of a quorum while we wait and ask the time for debate under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DEMINT. Mr. President, I understand at 4 o'clock we have a vote on DeMint amendment No. 3467. I would summarize again the purpose of this amendment and what it entails. We have talked about the importance of disclosure, in letting the American people know how Government operates and actually what it costs them.

When it comes to Amtrak, we are all very aware that there are heavy subsidies for Amtrak. This works out to an average of over $210 a ticket across the country. In some parts of the country Amtrak is working very well and in other parts of the country, the Federal Government is subsidizing over $500 a ticket to keep this going.

Mr. LAUTENBERG. Mr. President, we have about 6 minutes left. I suggest we divide it between us so that we have a couple of minutes to respond to the Senator.

Mr. DEMINT. That is fine. I will take a couple more minutes.

My amendment requests full disclosure of the costs of subsidies for each ticket. This would allow passengers and all Americans to know that when they buy a ticket, how much tax dollars go in, in addition to what they pay, to subsidize the price of their ticket.

This will do a number of things, I think, that are important. It will not only let the American people know how much they are spending to keep Amtrak going, it will force Amtrak to actually calculate the real costs of operating their lines throughout the country.

In order for us as a Congress to make good decisions about Amtrak and allow them to make good decisions about which lines should be discontinued, which ones should be continued, it is important for them to calculate the cost. Right now the way they calculate costs does not allow them to determine the real costs for their lines. I want to make clear we are not trying to cut any funding in this amendment from Amtrak. We are not asking to do anything but what a normal business would do; that is, to calculate the real cost of operating each of their lines.

It is the same as asking a business to determine the cost of all of their product lines so they can determine which are profitable, which are not. In this case, we will determine not only which ones are not profitable, and how much in subsidies there is, but what the real costs are for each line.

I encourage my colleagues to support this as a measure of disclosure for Amtrak, not in any way to harm Amtrak or their operations. I think it is a way to help them be more efficient in the future.

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

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me say again to the Senator from South Carolina who just left the Chamber, I appreciate the way he has approached this. He did not come in and condemn it; he looked at it. He had some ideas, and several of them have been accepted. I think he wound up getting five of his ideas that have been accepted. So he has been a constructive force.

I have found a lot of Members assume we are trying to provide money to Amtrak without any reforms. When they

look at it, I think they are surprised at the number of requirements and plans and reform that we do include in this legislation.

But I would be opposed to this amendment. You would have to print on each individual ticket the specific amount of the Government subsidy per passenger for that route. Now, think about it. You know on its face that would take a lot of effort. It is changing. It would cost, I have heard, probably as much as $3 million. I do not want to vouch for that, but there would be some cost. But it is already available. You can get this information through the public Web site. That is available, about what the cost of the subsidy is on these tickets. So it would provide something that is already available. You would have to pay for it. We have a number of other reporting and disclosure requirements included in this bill. I think it is redundant to what we have in the bill.

We are focused on trying to reduce subsidies. The point should not be how much is it now per ticket; the point should be: How much is it aggregate and what are we going to do about it? We have got specific markers in this legislation, the metrics and standards that will be required to get us to a reduced amount of subsidy.

But, again, as I have said earlier, it is a chicken-and-egg thing. You can do it in a responsible and reasonable way and get a result or you can force things that cost money and do not achieve anything.

Also, we are not going to reduce the subsidies until we improve the service, improve the capital stock, and do a better job. That is what I believe this legislation will do. So I urge the amendment be defeated.

I again thank the Senator from South Carolina for being willing to work with us on a number of amendments he had that actually did add improvements to the bill.

With that, I yield the floor. I do not know if there is any time remaining.

Mr. LAUTENBERG. Mr. President, we need a couple of minutes. I ask unanimous consent to extend the period prior to the vote for 5 minutes so we can prepare the managers' amendment prior to the vote.

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

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 3486; 3489, AS MODIFIED; AND 3469, AS MODIFIED, EN BLOC

Mr. LAUTENBERG. Mr. President, under the order, there is consent for a managers' amendment to be in order. That managers' amendment is at the desk, and I ask unanimous consent that the three amendments be considered en bloc and modified, if applicable; that the amendments be agreed to as modified, if modified; and the motions to reconsider be laid upon the table, en bloc.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 3486

(Purpose: To require the rail cooperative research program to include research designed to review rail crossing safety improvements, including improvements using new safety technology)

On page 105, between lines 13 and 14, insert the following:

''(12) To review rail crossing safety improvements, including improvements using new safety technology.

AMENDMENT NO. 3489, AS MODIFIED

On page 60, after line 22, add the following:

SEC. 224. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, Comptroller General shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

AMENDMENT NO. 3469, AS MODIFIED

On page 16, between lines 5 and 6 insert the following:

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

VOTE ON AMENDMENT NO. 3467

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3467. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 65, as follows:

[Rollcall Vote No. 399 Leg.]

YEAS—27

Allard	DeMint	Kyl
Barrasso	Dole	Lugar
Bond	Ensign	McConnell
Brownback	Enzi	Roberts
Bunning	Graham	Shelby
Burr	Grassley	Sununu
Chambliss	Gregg	Thune
Coburn	Inhofe	Vitter
Cornyn	Isakson	Voinovich

NAYS—65

Akaka	Durbin	Mikulski
Alexander	Feingold	Murkowski
Baucus	Feinstein	Murray
Bayh	Hagel	Nelson (FL)
Bennett	Hatch	Nelson (NE)
Bingaman	Hutchison	Pryor
Boxer	Inouye	Reed
Brown	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Smith
Cochran	Lautenberg	Snowe
Coleman	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Stevens
Corker	Lincoln	Tester
Craig	Lott	Warner
Crapo	Martinez	Webb
Domenici	McCaskill	Whitehouse
Dorgan	Menendez	

NOT VOTING—8

Biden	Harkin	Sessions
Clinton	McCain	Wyden
Dodd	Obama	

The amendment (No. 3467) was rejected.

Mr. CARDIN. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. Mr. President, I rise today in support of the Passenger Rail Investment and Improvement Act of 2007. First I would like to thank Senator LAUTENBERG and Senator LOTT and their staff for all of their hard work on this bill. This bill is the product of true collaboration and I am proud to be an original cosponsor. Serving nearly 26 million riders each year, Amtrak provides an invaluable service to travelers and commuters all over the country and particularly along the Northeast corridor.

Unfortunately, in the past few years, we have seen efforts to fully fund and modernize Amtrak thwarted, leaving Amtrak repeatedly underfunded by the administration. This bill will end this pattern of stop-gap funding and provide Amtrak with the resources it needs to improve service and passenger safety as we move forward. As you know, many of the security measures initially included in this bill have already been signed into law as part of the Implementing the 9/11 Recommendations Act. I congratulate my colleagues on

these accomplishments as these measures will significantly strengthen the security of our passenger rail system.

As Amtrak formulates its plan for the future, it is important that it has the funding and support needed to maintain the system and restore operations to high performance levels. By authorizing $10 billion over the next 6 years for repairs and operating costs, in addition to millions in grant funding, Amtrak will be able to accomplish this goal and meet the transportation and safety needs of travelers who rely on the system. This bill will also ensure that Amtrak is able to restore the Northeast corridor—the most heavily trafficked stretch of the system—to a state of good repair by the end of 2012. This corridor is relied upon by leisure and business travelers alike and is an integral part of the Northeast economy. I am proud to be an original cosponsor on this bill and believe it provides Amtrak with a solid blueprint for the future.

In New York particularly, Amtrak is indispensable to the economy and business community. Thousands of riders travel daily to New York City for meetings, to visit family and friends or for an early dinner before a Broadway show. Amtrak offers New Yorkers reliable and hassle-free access to cities all along the east coast, making it a crucial mode of transportation for hundreds of thousands of travelers each year.

I am committed to working with my colleagues to continue to improve passenger rail service through Federal support and increases in safety and security and I look forward to the final passage of this bill.

Mr. SMITH. Mr. President, as ranking member of Senate Commerce Committee's Subcommittee on Surface Transportation, I rise to speak in the support of the Passenger Rail Investment and Improvement Act of 2007. This bill reflects several years of work by Senators LAUTENBERG, LOTT, myself and many others to reform our Nation's passenger rail system.

Over the 6-year life of the bill, Amtrak's operating subsidy is reduced by 40 percent through cost cutting, restructuring, and reform. This bill authorizes funding for Amtrak's capital and operating needs to maintain current operations, upgrade equipment, and return the Northeast Corridor to a state of good repair.

While I know that there are some who argue that this bill does not go far enough, I do believe that it is a step in the right direction. In particular, I believe that the State-Amtrak partnerships outlined in this bill—with respect to both the cost allocation and capital match—will be key to ensuring the long-term viability and growth in ridership of intercity passenger rail.

I have long advocated for the establishment of an equitable system for States to pay their fair share toward the operating costs related to Amtrak corridor routes. In the Northwest, Amtrak operates the Amtrak Cascades, which provides daily service between Eugene, OR and Vancouver, British Columbia. This service is supported through operating funds provided by the States of Oregon and Washington.

With almost 700,000 riders last year, the Amtrak Cascades is the seventh most heavily traveled corridor in the country and represents a model for partnership among States, Amtrak, freight railroads and local communities. Currently, however, Oregon is one of only 14 States that provide operating funds to support and maintain Amtrak's service. This bill would help change that.

On the capital side, this bill encourages States to get more involved with our national passenger rail system by creating a new State Capital Grant program for intercity passenger rail capital projects.

The program makes grants to a State, or a group of States, to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. The Federal match is 80 percent. Providing States with this option will be a valuable tool to assist them in their transportation planning.

Across the country and across all transportation modes, congestion is becoming more and more of a problem, and, unfortunately, it is only going to get worse. Increasing the use of passenger rail, particularly within more densely populated corridors such as the Cascades corridor I mentioned earlier, should be part of our national strategy to fight congestion.

It should be noted that intercity and commuter passenger railroads are one of the cleanest forms of transportation. On a per passenger mile, Amtrak is 17 percent more energy efficient that domestic airline travel and 21 percent more efficient than auto travel.

Finally, I want to talk quickly about ridership and financial performance. In fiscal year 2007, Amtrak ridership increased to 25,847,000, marking the fifth straight year of gains and setting a record for the most passengers using Amtrak since its creation in 1971.

Additionally, total ticket revenue for the fiscal year topped $1.5 billion, up 11 percent over the previous fiscal year.

More people are using Amtrak today than ever before, and given the transportation capacity constraints our country will face in the coming years, I believe it would be a mistake if we didn't make the investments now—in both time and money—to try to reform the system to ensure that passenger trains are a viable transportation alternative in the future.

I don't believe that this is a perfect bill, but I do believe that it is a step in the right direction, and I hope my colleagues will support it.

Mr. LIEBERMAN. Mr. President, I rise today in support of the Passenger Rail Improvement and Investment Act of 2007. I commend Senators LAUTENBERG, CARPER, and LOTT for their excellent work on this bill, and I am proud to co-sponsor it.

Amtrak is certainly important to my home State of Connecticut. Amtrak operates 46 daily trains in Connecticut, serving almost 1.5 million passengers each year. New Haven is the twelfth busiest train station in the entire Amtrak system, with over 630,000 passengers annually. Amtrak is also a significant employer in my State, providing 575 jobs to Connecticut residents.

These Connecticut facts provide me with robust reasons to champion Amtrak, but I also believe that we must have a strong national passenger rail system. We rely on the heavily used Northeast corridor to provide a convenient transportation option for those traveling between Washington, DC and Boston. The capital funding authorization in the legislation before us will require that Amtrak develop a spending plan to improve infrastructure along the corridor, which will lead to reduced travel time and delays.

There is also an important environmental reason to support Amtrak. Global warming is a real problem, and we need to figure out sensible ways to reduce our reliance on foreign oil. We can only solve this national crisis if we work together collectively. As far as Amtrak is concerned, we cannot focus solely on the East and West coast train corridors. Instead, we need to figure out ways to increase ridership for as many routes as possible. This bill requires Amtrak to become more efficient in delivering its long distance service by implementing performance improvement plans for trains with low ridership.

The Passenger Rail Investment and Improvement Act also creates a new State Capital Grant program for intercity passenger rail projects. With a Federal match of 80 percent, the Secretary of Transportation will select worthy projects based on environmental impact, economic benefit, and anticipated ridership. I want to underscore the importance of this new grant program. The era of cheap oil is over, and our Nation's security depends on implementing innovative energy and transportation alternatives.

The last Amtrak authorization bill expired in 2002, so the time for this bill's passage is overdue. Amtrak deserves a stable funding blueprint for the next 5 fiscal years. Without such certainty, it is impossible for Amtrak to succeed and meet the considerable challenges and goals we have placed before them.

I commend my colleagues again for a job well done on a bipartisan piece of legislation that builds a strong consensus on the next generation of passenger rail in the United States.

Mr. CASEY. Mr. President, I rise today in strong support of S. 294, the Passenger Rail Investment and Improvement Act of 2007, offered by Senators LAUTENBERG and LOTT. I signed on as a cosponsor of this bill soon after

it was introduced because this legislation provides a much-needed and long overdue investment in the future of passenger rail in our country.

The benefits of a strong passenger rail network are clear: Amtrak helps reduce congestion on our highways in an environmental-friendly manner. Anyone who travels regularly on our Nation's highways recognizes that we need a comprehensive solution to our congestion problems that involves multiple modes of transportation. We need to do so, however, in a way that reduces carbon emissions. Passenger rail is key to these efforts.

Amtrak has made great strides in recent years in terms of its on-time performance, its commitment to high speed rail, and its emphasis on increased ridership. While Amtrak still has work to do on the longer distance routes serving Pennsylvania and other parts of the country, the well-documented ontime performance of the Acela Express in the Northeast corridor is a perfect example of the possibilities that result from appropriate investments in rail infrastructure. At the end of fiscal year 2007, Amtrak officials reported that ontime performance for Acela Express was 87.8 percent, up more than 3 percent over the same period in 2006.

The Northeast corridor is not the only area where Amtrak is making progress. Pennsylvania's Keystone line, operating between Harrisburg and Philadelphia, ranks fifth in ridership and revenue growth among all Amtrak services. Many of my constituents use this line to travel between Harrisburg and Lancaster and on to Philadelphia and New York.

The legislation we are considering here today also would create a new State Capital Grant Program for intercity passenger rail capital projects. The program would authorize the awarding of grants to a State, or a group of States, to pay for the capital costs of infrastructure, facilities, and equipment necessary to provide new or improved intercity passenger rail. This new program is particularly of interest in Pennsylvania, as we continue to look at reinstituting routes, particularly between Scranton and the New York metropolitan area.

Finally, it is my hope that this new investment will spur Amtrak to address outstanding labor issues that have simply gone on for too long. Amtrak's infrastructure upgrades should be coupled with investments in its workforce, and I, along with many of my colleagues in the Senate and the House, will continue to closely monitor this situation in the coming weeks and months.

Thank you. I urge my colleagues to support this important bill.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Passenger Rail Investment and Improvement Act of 2007.

The bill before us today would authorize an increase in Federal funding for the operation and development of passenger rail services, reauthorize Amtrak for an additional 6 years, and provide much needed reform of the Nation's rail system.

This legislation makes an important first step to establish high-speed rail systems throughout the United States.

A strong national rail system provides Americans with a practical transportation alternative, helps to alleviate traffic congestion on our Nation's highways and reduces harmful greenhouse gas emissions.

This legislation would also require an increase in financial and operation transparency and accountability at Amtrak, reduce Federal operating subsidies, and improve train performance and customer service.

Today, Amtrak serves nearly 25 million riders each year at more than 500 stations across 46 States.

Amtrak is also one of the Nation's largest providers of contracted commuter service for State and regional authorities. Over 60 million commuters in California, Maryland, Connecticut, Washington, and Virginia take Amtrak to work each year.

California's partnership with Amtrak represents the largest State-supported passenger rail program in the United States. Each day, Amtrak operates approximately 70 intercity trains and 100 commuter trains in California.

Amtrak's corridors in California are also among the busiest in the Nation, with more than 10 million Californians boarding Amtrak during fiscal year 2006.

The Pacific Surfliner service from San Diego through Los Angeles is the second busiest corridor in the United States with over 2.5 million riders in 2006.

The Capitol Corridor service between Sacramento and San Jose is the third most traveled corridor in the country with over 1 million riders in 2006.

Home to two of the Nation's top five most congested cities in the United States, my home State of California understands the importance of viable travel alternatives.

Passenger rail services have helped ease highway congestion, reduce automobile emissions and improve the State's air quality.

California is well ahead of the curve on developing a transportation system that has low environmental impact yet meets the growing needs of the California economy.

But there is still much more work to be done.

It is expected that California's population will grow to more than 50 million people by 2030.

California would need to build about 3,000 additional lane-miles on intercity highways and over 90 new gates and five new airport runways to serve the expected population in 2030.

The State of California and the California High-Speed Rail Authority are working to develop a high-speed rail system which would stretch from San Francisco, Oakland and Sacramento in the north, to Los Angeles and San Diego in the south.

With trains operating at speeds up to 220 mph, the travel time from downtown San Francisco to Los Angeles would be just under 2½ hours.

As envisioned, California's high-speed train system could accommodate nearly 120 million passengers annually by 2030.

This state-of-the-art rail system would take millions of cars off the road, ease traffic congestion, reduce greenhouse gas emissions, and allow people to travel faster, safer and more comfortably.

To move our great Nation into the next era of modern, efficient, environmentally friendly transportation, all levels of public and private finances and resources must be brought to bear. This legislation is an important first step.

Investment in America's passenger rail system is important for California. It is important for this Nation. I urge my colleagues to join me in support of this legislation.

Mr. DURBIN. Mr. President, I thank Senators LAUTENBERG and LOTT for their hard work in bringing this important bill to the floor. They have worked on this issue for years and have always done so in a bipartisan manner.

I am proud to be an original cosponsor of this bill which helps our Nation in many ways, not the least of which is relieving congestion on our overcrowded transportation system.

We are facing a congestion crisis in this country today, and the problem is only getting worse. Congestion causes Americans to travel 4.2 billion hours longer and purchase an extra 2.9 billion gallons of gas each year, for a total congestion cost of $78 billion. This is an increase from 2004 of 220 million hours, 140 million gallons of gas, and $5 billion. The Texas Transportation Institute calculates that the cost to the average traveler is $710 a year.

Americans are not just facing congestion on our roads; we're facing it in our skies and at our airports too. Across the country, flights are being delayed longer and longer, while passengers sit in the terminal or are forced to sit on the tarmac. Airlines are overwhelmed trying to balance the increased demand for air travel with the shrinking space in our skies.

Amtrak is a big part of the solution to this congestion crisis. Amtrak trains take cars off the roads and offer passengers a faster, more comfortable alternative to air travel for short-distance trips.

Furthermore, the average Amtrak train emits two-thirds less global warming pollution per passenger mile than cars and trucks and half the global warming pollution of airplanes. We can already see the environmental benefits of Amtrak service, despite centuries-old tracks and aging equipment. This bill is critical because it will lay the groundwork for Amtrak to achieve its full potential.

The technology behind trains continues to improve and is more efficient. With the right Federal investment, we can see energy-efficient, high-speed trains moving passengers between cities cleaner and quicker than by car or plane.

We are beginning to see these benefits in my home State, as the State of Illinois doubled its investment in passenger rail last year. Thanks to that investment, Amtrak trains in Illinois have seen phenomenal growth on the trains from Chicago to St. Louis, Quincy, and Carbondale. This past year, those three routes saw the greatest increase in ridership of any line in the Amtrak system.

The Chicago-Quincy routes—the Illinois Zephyr and the Carl Sandburg—have seen 41.4 percent growth in ridership in the last year.

The Chicago-St. Louis line—the Lincoln—saw a 55.8 percent increase in ridership since we have expanded service.

The Chicago-Carbondale routes—the Illini and the Saluki—have seen an outstanding boost of 67.4 percent.

These routes helped propel Amtrak to its fifth straight year of record ridership and ticket revenue.

The demand is only increasing, as even more Illinois communities are clamoring for passenger rail service. The Illinois Department of Transportation and Amtrak have released a feasibility study demonstrating that passenger rail service from Chicago to Rockford is very competitive with car travel, and we expect another feasibility study soon, which will show that the same is true for service from Chicago to the Quad Cities.

In States such as Illinois that invest in passenger rail, we are seeing fewer cars on the road and increased economic activity along the train lines. The Passenger Rail Investment and Improvement Act of 2007 recognizes theses benefits and rewards States that make capital and operating investment in passenger rail.

I also thank the managers of this bill for including the State Capital Grants Program, which will give States real incentives to invest in expanding passenger rail corridors. The Illinois model proves that with the right investment, we can move Americans out of traffic jams and into a cleaner, more reliable mode of transportation.

Today, we are considering Amtrak's authorization, an authorization that expired in 2002. We already have let too much time pass without capitalizing on the huge demand for passenger rail service. We must pass this bill now to pave the way for the restoration and expansion of Amtrak.

Amtrak's success is despite the President's repeated underfunding—or nonfunding—of passenger rail in his budgets. It is a testament to the Senate and to the Congress that we have repeatedly rejected attempts by the administration and others who oppose Amtrak.

Now as we stand at a crossroads of rail service in the United States, communities are increasingly vocal about their demand for cheaper, cleaner transportation options. Intercity rail service is an integral component to meeting these needs. The expansion of Amtrak service is far more than refitting rails and building new stations; it is about economic development, relieving congestion on our roads, improving our environment, and making life easier for future generations.

I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. Under the previous order, all time postcloture is yielded back and the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LAUTENBERG. Mr. President, the yeas and nays have been ordered, I believe. They have not?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. HARKIN) would each vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 22, as follows:

[Rollcall Vote No. 400 Leg.]

YEAS—70

Akaka	Feingold	Murkowski
Alexander	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Bennett	Hatch	Pryor
Bingaman	Hutchison	Reed
Boxer	Inouye	Reid
Brown	Johnson	Roberts
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shelby
Cochran	Lautenberg	Smith
Coleman	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Corker	Lincoln	Stevens
Cornyn	Lott	Tester
Crapo	Lugar	Warner
Dole	Martinez	Webb
Domenici	McCaskill	Whitehouse
Dorgan	Menendez	
Durbin	Mikulski	

NAYS—22

Allard	Craig	Kyl
Barrasso	DeMint	McConnell
Bond	Ensign	Sununu
Brownback	Enzi	Thune
Bunning	Graham	Vitter
Burr	Gregg	Voinovich
Chambliss	Inhofe	
Coburn	Isakson	

NOT VOTING—8

Biden	Harkin	Sessions
Clinton	McCain	Wyden
Dodd	Obama	

The bill (S. 294), as amended, was passed, as follows:

S. 294

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 ''Passenger Rail Investment and Improvement Act of 2007''.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
Sec. 105. Other authorizations.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
Sec. 208. Metrics and standards.
Sec. 209. Passenger train performance.
Sec. 210. Long distance routes.
Sec. 210A. Report on service delays on certain passenger rail routes.
Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.

Sec. 220. Private sector funding of passenger trains.
Sec. 221. On-board service improvements.
Sec. 222. Amtrak management accountability.
Sec. 223. Locomotive biodiesel fuel use study.
Sec. 224. Sense of the Senate regarding the need to maintain Amtrak as a national passenger rail system.
Sec. 225. Passenger rail study.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service; State rail plans.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Federal rail policy.
Sec. 305. Rail cooperative research program.
Sec. 306. Passenger rail system comparison study.

TITLE IV—MISCELLANEOUS

Sec. 401. Strategic plan on expanded cross-border passenger rail service during the 2010 Olympic Games.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2007, $580,000,000.
(2) For fiscal year 2008, $590,000,000.
(3) For fiscal year 2009, $600,000,000.
(4) For fiscal year 2010, $575,000,000.
(5) For fiscal year 2011, $535,000,000.
(6) For fiscal year 2012, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2007, $813,000,000.
(2) For fiscal year 2008, $910,000,000.
(3) For fiscal year 2009, $1,071,000,000.
(4) For fiscal year 2010, $1,096,000,000.
(5) For fiscal year 2011, $1,191,000,000.
(6) For fiscal year 2012, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2007.
(2) 11 percent for fiscal year 2008.
(3) 23 percent for fiscal year 2009.
(4) 25 percent for fiscal year 2010.
(5) 31 percent for fiscal year 2011.
(6) 33 percent for fiscal year 2012.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this Act for fiscal years 2007 through 2012.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2007, $153,900,000.
(B) For fiscal year 2008, $153,400,000.
(C) For fiscal year 2009, $180,600,000.
(D) For fiscal year 2010, $182,800,000.
(E) For fiscal year 2011, $189,400,000.
(F) For fiscal year 2012, $202,600,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2007, $139,600,000.
(B) For fiscal year 2008, $131,300,000.
(C) For fiscal year 2009, $121,700,000.
(D) For fiscal year 2010, $111,900,000.
(E) For fiscal year 2011, $101,900,000.
(F) For fiscal year 2012, $90,200,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2007, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2007 through 2012 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2008, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2008, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation system' means—

''(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, DC;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

''(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2007; and

''(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

''(i) Amtrak; or

''(ii) another rail carrier that receives funds under chapter 244.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

''§ 24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons.''.

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).''.

(e) AMTRAK'S MISSION.—

(1) Section 24101 is amended—

(A) by striking ''**purpose**'' in the section heading and inserting ''**mission**'';

(B) by striking subsection (b) and inserting the following:

''(b) MISSION.—

''(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger rail mobility consisting of high quality service that is trip-time competitive with other intercity travel options and that is consistent with the goals of subsection (d).

''(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on Amtrak's ability to carry out the mission described in paragraph (1).''; and

(C) by redesignating paragraphs (9) through (11) in subsection (c) as paragraphs (10) through (12), respectively, and inserting after paragraph (8) the following:

''(9) provide redundant or complimentary intercity transportation service to ensure mobility in times of national disaster or other instances where other travel options are not adequately available;''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 241 is amended by striking the item relating to section 24101 and inserting the following:

''24101. Findings, mission, and goals''.

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of directors

''(a) COMPOSITION AND TERMS.—

''(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

''(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

''(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(5) The Secretary may be represented at board meetings by the Secretary's designee.

''(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

''(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

''(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

''(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on October 1, 2007. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices;

(2) shall implement a modern financial accounting and reporting system; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2012—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing; and

(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance;

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis;

(15) prior fiscal year and projected equipment reliability statistics; and

(16) capital and operating expenditure for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each relevant State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a single, Nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by intercity passenger rail service or by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this Act to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Not later than 1 year after the date of the enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Seattle and Chicago (commonly known as the ''Pioneer Route''), which was operated by Amtrak until 1997, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the Pioneer Route or along segments of such route.

(f) NORTH COAST HIAWATHA ROUTE.—Not later than 1 year after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of passenger rail service between Chicago and Seattle, through Southern Montana (commonly known as the ''North Coast Hiawatha Route''), which was operated by Amtrak until 1979, using methodologies adopted under subsection (c), to determine whether to reinstate passenger rail service along the North Coast Hiawatha Route or along segments of such route, provided that such service will not negatively impact existing Amtrak routes.

SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

''(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

''(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board may initiate an investigation, or upon the filing of a complaint by Amtrak, an intercity passenger rail operator, a host freight railroad over which Amtrak operates, or an entity for which Amtrak operates intercity passenger rail service, the Board shall initiate an investigation to determine whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over tracks of which the intercity passenger train operates or reasonably addressed by Amtrak or other intercity passenger rail operator. As part of its investigation, the Board has authority to review the accuracy of the train performance data. In making its determination or carrying out such an investigation, the Board shall obtain information from all parties involved and identify reasonable measures and make recommendations to improve the service, quality, and on-time performance of the train.

''(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation as required under subsection (c), the Board may award damages against the host rail carrier, including prescribing such other relief to Amtrak as it determines to be reasonable and appropriate pursuant to paragraph (3) of this subsection.

''(3) DAMAGES AND RELIEF.—In awarding damages and prescribing other relief under this subsection the Board shall consider such factors as—

''(A) the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

''(B) what reasonable measures would adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak on the route involved.

''(4) USE OF DAMAGES.—The Board shall, as it deems appropriate, order the host rail carrier to remit the damages awarded under this subsection to Amtrak or to an entity for which Amtrak operates intercity passenger rail service. Such damages shall be used for capital or operating expenditures on the routes over which delays or failures to achieve minimum standards were the result of a rail carrier's failure to provide preference to Amtrak over freight transportation as determined in accordance with paragraph (2).''.

(b) FEES.—The Surface Transportation Board may establish and collect filing fees from any entity that files a complaint under section 24308(f)(1) of title 49, United States Code, or otherwise requests or requires the Board's services pursuant to this Act. The Board shall establish such fees at levels that will fully or partially, as the Board determines to be appropriate, offset the costs of adjudicating complaints under that section and other requests or requirements for Board action under this Act. The Board may waive any fee established under this subsection for any governmental entity as determined appropriate by the Board.

(c) AUTHORIZATION OF ADDITIONAL STAFF.—The Surface Transportation Board may increase the number of Board employees by up to 15 for the 5 fiscal year period beginning with fiscal year 2008 to carry out its responsibilities under section 24308 of title 49, United States Code, and this Act.

(d) CHANGE OF REFERENCE.—Section 24308 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting ''Surface Transportation Board'';

(2) by striking ''Commission'' each place it appears and inserting ''Board'';

(3) by striking ''Secretary of Transportation'' in subsection (c) and inserting ''Board''; and

(4) by striking ''Secretary'' the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting ''Board''.

SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

''§ 24710. Long distance routes

''(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007, Amtrak shall—

''(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

''(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

''(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

''(1) on-time performance;

''(2) scheduling, frequency, routes, and stops;

''(3) the feasibility of restructuring service into connected corridor service;

''(4) performance-related equipment changes and capital improvements;

''(5) on-board amenities and service, including food, first class, and sleeping car service;

''(6) State or other non-Federal financial contributions;

''(7) improving financial performance; and

''(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

''(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

''(1) beginning in fiscal year 2008 for those routes identified as being in the worst performing third under subsection (a)(2);

''(2) beginning in fiscal year 2009 for those routes identified as being in the second best performing third under subsection (a)(2); and

''(3) beginning in fiscal year 2010 for those routes identified as being in the best performing third under subsection (a)(2).

''(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

''(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

''(2) shall provide an opportunity for a hearing with respect to that determination; and

''(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

''24710. Long distance routes.''.

SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the ''Coast Starlight''); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades''); and

(2) contains recommendations for improving the on-time performance of such routes.

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

''§ 24711. Alternate passenger rail service program

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

''(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code, or any entity operating as a rail carrier that has negotiated a contingent agreement to lease necessary rights-of-way from a rail carrier or rail carriers that own the infrastructure on which Amtrak operates such routes, may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

''(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

''(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

''(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

''(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

''(B) an operating subsidy—

''(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

''(ii) for any subsequent years at such level, adjusted for inflation; and

''(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

''(b) IMPLEMENTATION.—

''(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

''(A) during fiscal year 2008 for operations commencing in fiscal year 2009; and

''(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

''(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2009 nor to more than 2 such routes for operations beginning in fiscal year 2011 and subsequent fiscal years.

''(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

''(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

''(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

''(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2007 and such additional performance standards as the Administration may establish;

''(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

''(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

''(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

''(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

''(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

''24711. Alternate passenger rail service program.''.

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor to a state of good repair by the end of fiscal year 2012, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

''§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee

''(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

''(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

''(A) members representing the National Railroad Passenger Corporation;

''(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

''(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

''(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

''(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

''(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

''(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) The Chairman of the Commission shall be elected by the members.

''(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

''(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

''(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

''(10) The commission shall consult with other entities as appropriate.

''(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

''(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

''(2) future funding requirements for capital improvements and maintenance;

''(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

''(4) opportunities for additional non-rail uses of the Northeast Corridor;

''(5) scheduling and dispatching;

''(6) safety and security enhancements;

''(7) equipment design;

''(8) marketing of rail services; and

''(9) future capacity requirements.

''(c) ACCESS COSTS.—

''(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2007, the Commission shall—

''(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

''(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

''(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

''(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

''(C) transmit the proposed timetable to the Surface Transportation Board; and

''(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

''(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

''(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

''(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

''(A) the Secretary;

''(B) Amtrak;

''(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

''(D) commuter agencies;

''(E) rail passengers;

''(F) rail labor;

''(G) the Transportation Security Administration; and

''(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

''(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

''(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.''.

(b) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(1) inserting ''commuter rail passenger and'' after ''between''; and

(2) striking ''freight'' in the second sentence.

(c) RIDOT ACCESS AGREEMENT.—

(1) IN GENERAL.—Not later than December 15, 2007, Amtrak and the Rhode Island Department of Transportation shall enter into an agreement governing access fees and other costs or charges related to the operation of the South County commuter rail service on the Northeast Corridor between Providence and Wickford Junction, Rhode Island.

(2) FAILURE TO REACH AGREEMENT.—If Amtrak and the Rhode Island Department of Transportation fail to reach the agreement specified under paragraph (1), the Administrator of the Federal Railroad Administration shall, after consultation with both parties, resolve any outstanding disagreements between the parties, including setting access fees and other costs or charges related to the operation of the South County commuter rail service that do not allow for the cross-subsidization of intercity rail passenger and commuter rail passenger service, not later than October 31, 2007.

(3) INTERIM AGREEMENT.—Any agreement between Amtrak and the Rhode Island Department of Transportation relating to access costs made under this subsection shall be superseded by any access cost formula developed by the Northeast Corridor Infrastructure and Operations Advisory Commission under section 24905(c)(1) of title 49, United States Code, as amended by section 214(a) of this Act.

(d) ACELA SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 30 minutes; and

(B) between New York City and Boston in 3 hours and 15 minutes.

(2) ISSUES.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) SECONDARY STUDY.—Amtrak shall provide an initial assessment of the infrastructure and equipment improvements, including an order of magnitude cost estimate of such improvements, that would be necessary to provide regular Acela service—

(A) between Washington, D.C. and New York City in 2 hours and 15 minutes; and

(B) between New York City and Boston in 3 hours.

(4) REPORT.—Not later than February 1, 2008, Amtrak shall submit a written report containing the results of the studies required under this subsection to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives;

(D) the Committee on Appropriations of the House of Representatives; and

(E) the Federal Railroad Administration.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on October 1, 2008.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak,

shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by November 1, 2008—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2008, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking ''plan to operate within the funding levels authorized by section 24104 of this chapter, including the budgetary goals for fiscal years 1998 through 2002.'' and inserting ''plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2007, including the budgetary goals for fiscal years 2007 through 2012.''; and

(B) by striking the last sentence and inserting ''Amtrak and its Board of Directors shall adopt a long term plan that minimizes the need for Federal operating subsidies.''.

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2007 through 2012.

(c) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary of Transportation and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct preclearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—

(1) in Vancouver, Canada, no later than June 1, 2008; and

(2) in other areas as determined appropriate by the Secretary.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase the operation of trains funded by, or in partnership with, private sector operators through competitive contracting to minimize the need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

''§ 24310. Management accountability

''(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

''(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

''(1) effectiveness improving annual financial planning;

''(2) effectiveness in implementing improved financial accounting;

''(3) efforts to implement minimum train performance standards;

''(4) progress maximizing revenues and minimizing Federal subsidies; and

''(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

''24310. Management accountability.''.

SEC. 223. LOCOMOTIVE BIODIESEL FUEL USE STUDY.

(a) IN GENERAL.—The Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which Amtrak could use biodiesel fuel blends to power its fleet of locomotives and any of its other motor vehicles that can operate on diesel fuel.

(b) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) environmental and energy security effects of biodiesel fuel use;

(2) the cost of purchasing biodiesel fuel blends for such purposes;

(3) whether sufficient biodiesel fuel is readily available; and

(4) the effect of biodiesel fuel use on relevant performance or warranty specifications.

(c) REPORT.—Not later than April 1, 2008, the Federal Railroad Administration shall report the results of its study to the Congress together with such findings, conclusions, and recommendations as it deems appropriate.

SEC. 224. SENSE OF THE SENATE REGARDING THE NEED TO MAINTAIN AMTRAK AS A NATIONAL PASSENGER RAIL SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) In fiscal year 2007, 3,800,000 passengers traveled on Amtrak's long distance trains, an increase of 2.4 percent over fiscal year 2006.

(2) Amtrak long-distance routes generated $376,000,000 in revenue in fiscal year 2007, an increase of 5 percent over fiscal year 2006.

(3) Amtrak operates 15 long-distance trains over 18,500 route miles that serve 39 States and the District of Columbia. These trains provide the only rail passenger service to 23 States.

(4) Amtrak's long-distance trains provide an essential transportation service for many communities and to a significant percentage of the general public.

(5) Many long-distance trains serve small communities with limited or no significant air or bus service, especially in remote or isolated areas in the United States.

(6) As a result of airline deregulation and decisions by national bus carriers to leave many communities, rail transportation may provide the only feasible common carrier transportation option for a growing number of areas.

(7) If long-distance trains were eliminated, 23 States and 243 communities would be left with no intercity passenger rail service and 16 other States would lose some rail service. These trains provide a strong economic benefit for the States and communities that they serve.

(8) Long-distance trains also provide transportation during periods of severe weather or emergencies that stall other modes of transportation.

(9) Amtrak provided the only reliable long-distance transportation following the September 11, 2001 terrorist attacks that grounded air travel.

(10) The majority of passengers on long-distance trains do not travel between the endpoints, but rather between any combination of cities along the route.

(11) Passenger trains provide transportation options, mobility for underserved populations, congestion mitigation, and jobs in the areas they serve.

(12) Passenger rail has a positive impact on the environment compared to other modes of transportation by conserving energy, reducing greenhouse gas emissions, and cutting down on other airborne particulate and toxic emissions.

(13) Amtrak communities that are served use passenger rail and passenger rail stations as a significant source of economic development.

(14) This Act makes meaningful and important reforms to increase the efficiency, profitability and on-time performance of Amtrak's long-distance routes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) long-distance passenger rail is a vital and necessary part of our national transportation system and economy; and

(2) Amtrak should maintain a national passenger rail system, including long-distance routes, that connects the continental United States from coast to coast and from border to border.

SEC. 225. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

''Sec.
''24401. Definitions.
''24402. Capital investment grants to support intercity passenger rail service.
''24403. Project management oversight.
''24404. Use of capital grants to finance first-dollar liability of grant project.
''24405. Grant conditions.

"§ 24401. Definitions

''In this subchapter:

''(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

''(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

''(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

''(C) costs associated with developing State rail plans; and

''(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

''(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

"§ 24402. Capital investment grants to support intercity passenger rail service

''(a) GENERAL AUTHORITY.—

''(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

''(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007.

''(b) PROJECT AS PART OF STATE RAIL PLAN.—

''(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2007, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

''(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

''(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

''(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

''(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2007;

''(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(4) ensure that each project is compatible with, and is operated in conformance with—

''(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

''(B) the national rail plan (if it is available); and

''(5) favor the following kinds of projects:

''(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

''(B) Projects that also improve freight or commuter rail operations.

''(C) Projects that have significant environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment.

''(D) Projects that are—

''(i) at a stage of preparation that all precommencement compliance with environmental protection requirements has already been completed; and

''(ii) ready to be commenced.

''(E) Projects with positive economic and employment impacts.

''(F) Projects that encourage the use of positive train control technologies.

''(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

''(H) Projects that involve donated property interests or services.

''(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

''(J) Projects described in section 5302(a)(1)(G) of this title that are designed to support intercity passenger rail service.

''(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

''(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(C) An obligation or administrative commitment may be made only when amounts are appropriated.

''(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the United States Government in a project under this section;

''(ii) establish the maximum amount of Government financial assistance for the project;

''(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2007, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

''(f) FEDERAL SHARE OF NET PROJECT COST.—

''(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

''(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

''(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

''(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

''(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service and operating costs of up to $5,000,000 per fiscal year of such service in fiscal years 2003, 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded in fiscal years 2007, 2008, and 2009 under this section. The Secretary may require such information as necessary to verify such expenditures.

''(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year, beginning in fiscal year 2007, for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average capital and operating expenditures made for such service in fiscal years 2004, 2005, and 2006 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(g) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

''(A) the applicant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

''(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

''(i) PUBLIC-PRIVATE PARTNERSHIPS.—

''(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

''(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

''(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

''(B) cost-sharing of any project expense;

''(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

''(D) any other form of participation approved by the Secretary.

''(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

''(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

''(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

''(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2007 beginning in fiscal year 2008 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

''§ 24403. Project management oversight

''(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

''(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

''(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

''(3) a construction schedule for the project;

''(4) a document control procedure and recordkeeping system;

''(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

''(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

''(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

''(8) material testing policies and procedures;

''(9) internal plan implementation and reporting requirements;

''(10) criteria and procedures to be used for testing the operational system or its major components;

''(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

''(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

''(b) SECRETARIAL OVERSIGHT.—

''(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

''(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

''§ 24404. Use of capital grants to finance first-dollar liability of grant project

''Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

''§ 24405. Grant conditions

''(a) DOMESTIC BUYING PREFERENCE.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

''(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

''(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

''(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

''(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

''(A) such requirements are inconsistent with the public interest;

''(B) the cost of imposing the requirements is unreasonable; or

''(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

''(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

''(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

''(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

''(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

''(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

''(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

''(A) any compensation for such use;

''(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

''(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

''(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

''(2) the applicant agrees to comply with—

''(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

''(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

''(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

''(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

''(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

''(B) establishes a procedure for notifying such an employee of such positions;

''(C) establishes a procedure for such an employee to apply for such positions; and

''(D) establishes rates of pay, rules, and working conditions.

''(2) IMMEDIATE REPLACEMENT SERVICE.—

''(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service

occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

''(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

''(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

''(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

''(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

''(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

''(2) the Alaska Railroad or its contractors; or

''(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance ..... 24401''.

''(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance ..... 24401''.

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

''CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

''Sec.
''22501. Definitions.
''22502. Authority.
''22503. Purposes.
''22504. Transparency; coordination; review.
''22505. Content.
''22506. Review.

''§ 22501. Definitions

''In this subchapter:

''(1) PRIVATE BENEFIT.—

''(A) IN GENERAL.—The term 'private benefit'—

''(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(2) PUBLIC BENEFIT.—

''(A) IN GENERAL.—The term 'public benefit'—

''(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

''(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.''.

''§ 22502. Authority

''(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

''(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

''(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

''(2) establish or designate a State rail plan approval authority to approve the plan;

''(3) submit the State's approved plan to the Secretary of Transportation for review; and

''(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

''§ 22503. Purposes

''(a) PURPOSES.—The purposes of a State rail plan are as follows:

''(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

''(2) To establish the period covered by the State rail plan.

''(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

''(4) To serve as the basis for Federal and State rail investments within the State.

''(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

''§ 22504. Transparency; coordination; review

''(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

''§ 22505. Content

''(a) IN GENERAL.—Each State rail plan shall contain the following:

''(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

''(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

''(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

''(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

''(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

''(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

''(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

''(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

''(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

''(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

''(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

''(12) A statement that the State is in compliance with the requirements of section 22102.

''(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

''(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

''(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

''(B) A detailed funding plan for those projects.

''(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

''(A) a description of the anticipated public and private benefits of each such project; and

''(B) a statement of the correlation between—

''(i) public funding contributions for the projects; and

''(ii) the public benefits.

''(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

''(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

''(B) Rail capacity and congestion effects.

''(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

''(D) Regional balance.

''(E) Environmental impact.

''(F) Economic and employment impacts.

''(G) Projected ridership and other service measures for passenger rail projects.

''§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2007 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans ..... 22501''.

''(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans ..... 24401''.

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting ''IN GENERAL.—'' before ''The Federal'' in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting ''ADMINISTRATOR.—'' before ''The head'' in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

''(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.'';

(5) by inserting ''POWERS AND DUTIES.—'' before ''The'' in subsection (d), as redesignated;

(6) by striking ''and'' after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

''(2) the duties and powers related to railroad policy and development under subsection (e); and'';

(8) by inserting ''TRANSFERS OF DUTY.—'' before ''A duty'' in subsection (e), as redesignated;

(9) by inserting ''CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—'' before ''Subject'' in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

''(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

''(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

''(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

''(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2007;

''(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

''(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

''(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

''(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

''(h) PERFORMANCE GOALS AND REPORTS.—

''(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

''(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

''(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2009 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.''.

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

''§ 24910. Rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and

new high-speed wheel-on-rail systems and rail security;

''(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

''(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

''(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENT.—The program to be carried out under this section shall include research designed—

''(1) to identify the unique aspects and attributes of rail passenger and freight service;

''(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

''(4) to recommend priorities for technology demonstration and development;

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(6) to explore improvements in management, financing, and institutional structures;

''(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

''(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

''(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

''(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations;

''(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations; and

''(12) to review rail crossing safety improvements, including improvements using new safety technology.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.— The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program.''.

SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE IV—MISCELLANEOUS

SEC. 401. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.

Not later than one year after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades'');

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I must say how satisfying it is that the Senate has done what America has asked us to do. I can't tell you how involved personally I have been in this for many years. Since my relatively early days in the Senate, going back decades, I have been interested in what we could do to make Amtrak an integral part of the transportation system, to make Amtrak easier and more reliable for the American people. They asked us to do this, to give them relief.

I wish to say to Senator LOTT how much I have appreciated working with him—not only now, but we have done so for a number of years. We have the satisfaction of seeing this bill pass and we hope on its way to becoming law. With 70 votes, this is a clear message about what the representatives of the American people are saying.

I thank Senator LOTT. It has been a pleasure working with him. As I am sure he agrees, I look forward to having more opportunities to do things in a bipartisan nature to help the American people. They asked us for relief and we are giving it to them—relief from traffic congestion, relief from lines at the airports, and relief from planes lined up on the tarmac. Today, the Senate has said to American travelers: You will have another choice, and the choice is passenger rail.

I am pleased to note the wide margin by which the Passenger Rail Investment Improvement Act of 2007 has been approved in the Senate. The bill is going to speed passenger rail service in the United States into the 21st century.

There are many people I wish to thank in addition to my friend and colleague from Mississippi, the minority whip, Senator LOTT, who has had a long-standing commitment to passenger rail service.

I also wish to thank Senator INOUYE, chairman of the Senate Committee on Commerce, Science, and Transportation, for giving me the privilege of pursuing and managing this legislation. His confidence has always been appreciated by me.

I thank the majority leader, HARRY REID, for his leadership and decisiveness to work to bring our bill to the floor, and I thank his staff for their support. In particular, the floor staff, including Lula Davis, Marty Paone, Tim Mitchell, and Trisha Engle. On the Republican side, everybody was cooperative. I thank David Schiappa, Laura Dove, and Jodie Hernandez.

I also thank all of our cosponsors of the bill. I particularly wish to focus on Senator CARPER's help and his hard work and constant support for Amtrak, along with all of our cosponsors' dedication and commitment to improving travel in America.

I thank Alex Kummant, the CEO of Amtrak, and his government affairs staff, including Joe McHugh and Caroline Decker.

I thank my staff, of which I am very proud. They are always there, no matter what the hours or the intensity of the work are. They are there with their support, their knowledge and research and their constant concern for making sure we do things right. My staff includes David Matsuda, Dan Katz, Doug Mehan, and Meg Slachetka.

Mr. LOTT. Mr. President, will the Senator yield briefly? I have another commitment off the floor.

Mr. LAUTENBERG. Yes.

Mr. LOTT. Mr. President, I wish to acknowledge the Senator's kind remarks. It was a pleasure working with him on this legislation. It has been a long time coming. I appreciate the active involvement he has had, along with other Senators on both sides of the aisle, including Senator CARPER of Delaware.

There is a long history of trying to get this passed freestanding through the Senate. We have to give credit to our leadership and to Senator REID in particular. He had to make this happen. We tried last year repeatedly to get it freestanding or to get a window to offer it. We never could get it agreed to at that time. Senator REID carved out a pretty big block of time for a Transportation bill. He didn't have to do that. He deserves credit for that.

I also thank my staff, including Anne Marie Turner, who is here with me; Chris Bertram, who has been working with me for years; and Beth Spivey. Our staffs work together great. I am pleased with the Republicans who voted for it and probably all of the Democrats voted for it. I hope the House will act on this expeditiously. This could be a big step in the right direction. I thank my colleagues on both sides of the aisle for their cooperation. I hope we can do more of this sort of thing in the future. I thank the Senator for letting me interrupt his remarks.

Mr. LAUTENBERG. Not at all. I, too, thank Anne Marie Turner of Senator LOTT's staff. She was always there, and I could tell by the expression on her face at a given moment whether we were on the right or wrong track in talking about Amtrak. I also thank Chris Bertram and Beth Spivey of his staff as well.

I thank the staff from the Senate Commerce Committee, including Stephen Gardner, who is always so helpful and has extensive knowledge about transportation. Chairman INOUYE was so gracious in making sure we were supported with the assistance of Mr. Gardner. Also, I thank Melissa Porter, who is on loan as a detailee from the Federal Railroad Administration; Shira Bergstein, from Senator INOUYE's majority staff; Betsy McDonnell and Dan Neuman, from Senator GORDON SMITH's and Senator STEVENS's Committee minority staff.

Getting legislation passed by this body takes a lot of work, and these folks are to be commended.

Everyone knows our highways are jammed. We don't have to tell them that from here. All they have to think about is what time they get out of work and what time they get home and what time do they have to leave in the morning to get to work on time. In New Jersey, the most densely populated State in the country, we spend 300 hours commuting by car every year. Fifteen percent of that time is wasted sitting in traffic, creating pollution, creating anxiety, anger, frustration, and bigger bills as gas prices go up at the same time.

With more than 220 million vehicles on the road and the population projected to pass the 400 million mark before 2050, congestion will remain a major challenge if cars and trucks remain the dominant mode of travel.

I mentioned earlier in this debate that our population in 1971, when Amtrak was developed as a government corporation, was 200 million. Now, barely 36 years later, we are 300 million. We haven't made much progress in upgrading our rail systems even after our country has grown by 100 million people.

And now we are feeling the effects. Our skies are becoming jammed as more planes take to the air. Last year was the worst year for flight delays since 2000. One in four planes were late.

For travelers who fly, for instance, between Washington and the New York/New Jersey area, a 36-minute flight often becomes 2 or more hours because of delays getting off the ground and, once there, getting off the plane. I once flew up to LaGuardia Airport, and we waited an hour to get to the gate.

The airlines have admitted this and have revised their schedules to reflect that now this 36-minute flight should be expected to take 2 hours: 36 minutes in the air, and the rest of the time admiring the landscape, which is pretty dismal when you see all these planes lined up on the tarmac like cars in traffic.

Between lines of cars on the highways and long lines at the airports, America's travelers need and deserve another choice. The answer is a world-class passenger rail system.

Riding a train saves people money. The national average cost per gallon of gasoline is over $2.80 a gallon. I have even heard estimates that we will see oil at $200 a barrel before too long.

When you look at all the benefits to travelers, we see that riding a train can save time, money, and congestion in other modes of transportation.

For instance, rail service often delivers passengers directly to where they need to go, as train stations are more frequently located in city centers. I can tell my colleagues from personal experience, since I road the train as recently as this morning, that riding the train was a pleasurable experience. It gave me a chance to read, to communicate, and even nod off for a couple of minutes. It was really a nice way to travel. Passengers can work on laptops, talk on the phone, walk around on the train, and generally be productive.

Riding the train also helps secure our country's future by improving the environment. Amtrak trains are on average 17 percent more fuel efficient than passenger airlines, and 21 percent more fuel efficient than passenger cars, according to the U.S. Department of Energy.

Furthermore, trains produce fewer greenhouse gas emissions than cars, trucks, and planes, and per mile locomotives emit about 50 percent less carbon dioxide than airplanes and still less than automobiles.

Trains also save lives. If there was ever a moment that demonstrated how much America needed a passenger rail system, it was in the wake of 9/11 and Hurricane Katrina. On 9/11, when our airports were shut down, Amtrak was able to get travelers back to their families.

On 9/11, airports were shut down. Amtrak was able to get travelers back to their families. During Hurricane Katrina, trains could have helped evacuate persons from those affected cities if our Government was better prepared to employ them. Trains sat idly by waiting for passengers to come aboard to be taken away from the center of the hurricane, but they could not get to the train. The Government wasn't there to lend a hand.

There is great enthusiasm for passenger rail service in America. Amtrak's record ridership of 26 million passengers last year can attest to that fact. The potential of new railcars in our country is enormous. Efficient rail service between Chicago and other Midwest cities, such as St. Louis, Detroit, and Cleveland would revolutionize the way people travel in an entire vital region of our country.

Likewise, a proposed passenger rail line serving Atlanta, Charlotte, Richmond, Washington, and points in between would allow people options besides braving Interstate 95 traffic.

If we foster passenger rail service that is viable, reliable, and comfortable, many will choose rail as an alternative, and Amtrak's record ridership has proven that fact.

Today's action by the Senate is a victory for anyone who is tired of sitting in traffic or waiting in an airport and for people who work so hard to make a living and often live far away from work, far away from their homes. I remember a conversation I had with a man who worked in New York City who bought a house 50 miles away from his job. His thought, he said, for him and his family, in addition to seeing some green space, was that he would save money, he would be able to put his children in a house with some room. Now when I see the same man, he is distraught because of the cost for gasoline. The cost for the time lost in traffic outweighs the advantages he

thought he would have. That is not an uncommon situation.

Mr. President, I thank my colleagues for their support and look forward to completing this legislation in this Congress and getting it signed into law.

I look forward to hearing from our colleague, Senator CARPER from Delaware, who worked so hard and has for many years. He is a frequent user, as they say of Amtrak, that is. We appreciate his hard work and the opportunity we shared to work together to get this legislation considered and passed today in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator LAUTENBERG is still on the floor, I wish to express my thanks and the thanks of my constituents in Delaware to him and Senator LOTT for the partnership they forged in bringing us to the reauthorization victory we celebrate this afternoon.

Stephen Gardner is still on the floor. Stephen was a member of my personal staff when I was first elected to the Senate. He is succeeded by Beth Osborne. We have a great working relationship with him. He has great talent. He is someone who has not just been in Washington and the Senate, but he worked for railroads in the past, including Amtrak. Given his experience, he was invaluable in providing guidance and support in this process.

I wish to speak briefly, and then I am going to make a unanimous consent request that we go into morning business so that Senator ALEXANDER and I may engage in a colloquy on another matter.

Let me say this: I have come from a meeting at the other end of the Capitol, that may still be going on, that started around 2 o'clock. I stayed for almost an hour and a half. The meeting involved members of organized labor and several leaders in the House of Representatives who have jurisdiction, Democrat and Republican, over infrastructure and passenger rail. The meeting was driven in part because of the threat of a potential work stoppage on our passenger rail system. It turns out that most Amtrak employees, hourly workers who work in the shops and work on the trains, have not had a pay raise in about 7 or 8 years.

That is not a good situation. In fact, I think it is a grossly unfair situation and very much a sad situation for them and for their families.

My hope, and part of my encouragement and support for this legislation, is that I think it provides a roadmap for going forward with passenger rail service in this country in the 21st century. We need a roadmap.

Senator LAUTENBERG and others have spoken as to why we need to do things differently—congestion on our highways and in our airports, in the skies, enormous reliance on foreign oil, too much bad stuff going into our air. There are all kinds of reasons people are beginning to ride trains more and more and why we need to provide supporting leadership at the Federal level, at the same time entering into partnership with State and local governments.

The beauty behind this legislation is that the Federal Government says we are going to take charge and upgrade the Northeast corridor, bring it to a state of good repair. In doing that, we unleash the potential in the Northeast corridor, including bringing in the more expensive high-speed Acela train which I helped create as a member of the Amtrak board when I was Governor of Delaware, to the extent we can just let them run at 100 miles an hour, 110, maybe something close to 150 miles an hour. Their ontime performance is up to 90 percent, and we would like to make it higher so we can fill up the seats on the Acela. We are close to doing that. They can be a cash cow in generating revenues we need to support other passenger rail service in the Northeast corridor and in other parts of the country.

One of the good provisions in this legislation is bringing the Northeast corridor into a state of good repair and authorizing money to be spent for that purpose, for capital improvement. Amtrak for years has been starved for capital. Along with providing pay raises for the employees, that is first and foremost what we need to do.

A second major change in this legislation, for areas outside the corridor, whether it is Tennessee or Colorado, in places where we have densely populated corridors, where the State and local governments would actually like to have high-speed or higher speed rail and run trains, maybe just for 200 miles or 300 miles, and provide better service such as they are doing out of Chicago and out of the west coast where ridership is up 10, 20, 30, even 40 percent—States are involved in that partnership with the Federal Government.

This legislation says if a Governor of a State—Senator ALEXANDER and I are former Governors. When we were Governors, if we wanted to enter into an agreement with the Federal Government to build a new road or highway, the Federal Government would provide 80 percent. If we wanted to get improvements to our airports, the Federal Government provided 80 percent of the money and the State provide 20 percent. If we wanted improvements with respect to transit service, the Federal Government would provide 50 percent, and the State would provide half.

But a better solution, a more cost-effective solution, happens to be intercity passenger rail, and the Federal Government provided zero and the State had to provide all the money. Even if intercity passenger rail was a smarter solution, it received no support from the Federal Government. This bill changes that situation. It puts passenger rail funding on the same level as airports and the same level as roads, highways, and bridges.

It makes a whole lot of sense. If States believe they would rather spend their 20 percent on airports, roads, highways, or bridges, they can do that. But if they think rail makes sense as part of the solution, they can do that as well with the same kind of incentive. That is good.

There are a bunch of long-distance trains that don't make money; they lose money, quite a bit of money. We have 16 long-distance trains in this country. We direct the Federal Railroad Administration to take five of those long-distance trains next year, five the year after that, and five the year after that and scrub them, look at them, look at what they are doing well and what they are doing badly and what we need to do to reduce the amount of money we are spending to provide passenger rail service in those areas.

I don't want to run trains if people don't want to ride them. That is not what we should be about. The real secret to doing well with passenger rail in this country and, frankly, other countries is to find those densely populated corridors. There are a lot of them. A lot are along the coast. Over half the people in our country live within 50 miles of one of our coasts. We have corridors up and down the east coast from Maine to Florida, the gulf coast, the west coast from San Diego up to the Canadian border, up to Vancouver, in fact.

Passenger rail can do a lot to help us there, particularly 300-, 400-mile routes. People would just as soon ride a train on the Northeast corridor than to drive or take an airplane.

Another thing that makes sense is these corridors in our country, such as Chicago to St. Louis—that is a great corridor and there are others like that corridor in other parts of the country where passenger rail can be part of the solution. Those are the kinds of things we wanted to work on, to build.

Finally, some are interested in competition for freight rail. If they want to come in and run passenger rail service, under this legislation they can compete if they want to. They are not barred from competing. They have the opportunity to do that as well, and the legislation encourages that kind of competition.

I will close with this comment. My hope is that the reauthorizing legislation we passed today will be warmly received in the House. I think it will be. I am encouraged that it will be.

Second, I hope it demonstrates to our colleagues, Republicans and Democrats, House and Senate, that we are not going to be business as usual at Amtrak. There is a new day and, frankly, a better business strategy going forward. My hope is that confidence will be reflected in greater appropriations bills, in the House and in the Senate, so Amtrak cannot only make the kinds of investments in infrastructure for Amtrak—rail, overhead wires, signaling systems, rolling stock—but also

to say to these folks who haven't had a pay raise in the last 7 years or so: We are going to address that inequity too.

My hope is we can do all those, and the passage of this legislation will help us in that direction, plus reduce a little bit of our dependence on foreign oil, plus reduce the emission of bad stuff into our air, reduce congestion at our airports and in our skies and on our highways.

If we do all that we ought to declare victory. The thing I love most about what happened here this week and last week on this bill is Democrats and Republicans did it together; we actually worked together and I applaud the efforts of Senator LAUTENBERG and Senator LOTT and I especially wish to say thanks to our leader, Senator REID, for making time on the schedule for us to have this debate, to follow through on it; and my colleagues on both sides who participated in the debate and offered reasonable amendments, some of which were adopted. This place actually functioned the way I think people of this country expect us to.

MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

INTERNET TAX MORATORIUM

Mr. CARPER. I further ask unanimous consent that Senator ALEXANDER and I be allowed to participate in a colloquy for 10 minutes apiece, up to 10 minutes apiece for a total of up to 20 minutes. I think what I would like to do initially is yield, if I could, to Senator ALEXANDER for his comments and whatever he would like to say.

While he comes to his feet to speak first, let me say, I think the people in the country want us to work together. We have Democrats, we have Republicans, we have Independents in this country, and we realize we are not going to agree on everything. People realize that, but when we can agree, they want us to do that. They want us to use common sense, take the opportunity to work across the aisle and make sure that common sense is reflected, whether it is passenger rail service or the interest or noninterest in providing people protection from having their Internet access taxed, their e-mail traffic taxed, their instant messaging taxed.

I have had the great privilege of working with Senator ALEXANDER for 3 or 4 years—in some cases maybe longer than we would like to remember—on the issue of tax moratorium, but he has been a great partner, and I especially want to thank him for letting me be his partner and say to Senator ENZI of Wyoming and Senator VOINOVICH of Ohio, both former mayors, Senator FEINSTEIN—a former mayor herself—Senator DORGAN, former revenue director for the State of North Dakota, and Senator ROCKEFELLER, a former Governor of West Virginia, all of whom worked together as a team to try to bring us to this day, to where we are today, the House has adopted legislation we passed last year, providing for a 7-year extension of the Internet tax moratorium.

Let me say to Senator ALEXANDER what a real privilege it is for me to have an chance to work with you on all kinds of issues, including this one. I thank you for that opportunity.

The PRESIDING OFFICER. Without objection, the Senators from Tennessee and Delaware may engage in a colloquy.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Delaware. He has provided extraordinary leadership as a former chairman of the National Governors Association on the legislation that was passed. Let me be specific about what has been done.

Last Thursday, the Senate worked out a compromise and passed legislation to extend for 7 more years the moratorium on the taxation of access to the Internet. That was called the Sununu-Carper amendment, the Senator from New Hampshire and the Senator from Delaware. It was an amendment to the 4-year extension that the House of Representatives passed on October 16 by a vote of 405 to 2. I was glad to be a cosponsor of the Sununu-Carper amendment. Hopefully, the House will vote on that legislation today, if it has not already, so the President can sign it into law before the moratorium expires on November 1, which is this Thursday.

At the invitation of the Senator from Delaware, let me try to put this accomplishment into a little larger perspective. Above the Senator from Colorado, who is the Presiding Officer, is a few words that have been our country's national motto, ''E Pluribus Unum,'' one from many.

How do we make this country one from many? Not by race or not by descent but because we agree on a few principles. We have a common language, and we have a common history.

A very wise professor, Samuel P. Huntington, at Harvard, who was a former President of the American Political Science Association, said:

> Much of our politics is about conflicts between principles with which all of us agree.

For example, if we were debating immigration, we might say ''equal opportunity'' on the one hand, ''rule of law'' on the other. We all agree with both principles, but they conflict so we have an argument. That is what happened with the question of whether the Federal Government should pass a law to extend a moratorium that says States, cities, and counties cannot tax access to the Internet.

On the one hand, if you have been a Governor, as Senator CARPER and I have been, nothing makes you madder than for Members of Congress to stand up with a big idea and say let's put this into law; let's take credit for it and send the bill to the Governors, to the States and cities and the counties—because usually we find that Senator or Congressman back home in our States making a big speech about local control at the next Lincoln Day or Jackson or Jefferson Day dinner.

That is the principle of federalism on the one side: No more unfunded Federal mandates, is what we Republicans like to say. In fact, a whole bunch of Republicans, including Newt Gingrich, stood up on the U.S. Capitol steps in 1994 and said: No more unfunded mandates. If we break our promise, throw us out. The New Republican Congress passed a law in 1995, S. 1 it was called, no more unfunded mandates, that is the law of the land. If Congress wants to order States and local governments to do it, Congress should pay for it.

That was the principle of federalism. But on the other hand, we had the principle of—let's say laissez faire, for lack of a better word. If you have been in business or helped to start a business, as I also have, you want as little taxation as possible and as much certainty as possible. As the Internet grows and develops, from the very beginning, it was thought it ought to be as free as possible from multiple regulations and taxes from State and local governments. So that produced the kind of debate that often comes to the floor of the Senate, those saying on the one hand: Wait a minute, let's leave the Internet alone. Let's let it grow. Let's keep the State and local governments from taxing it, or at least from taxing access to it. And on the other hand, the States, the Governors and the mayors and the city councilmen—many of us have been in those positions before—saying: Wait a minute, it is not the job of Congress to say to Colorado or Delaware or Tennessee: You must have this service or you can't tax food or you can't tax income or you can't put a sales tax on Internet access.

In 2003 and 2004, we had a huge debate about the last extension of the Internet access tax moratorium and came to a conclusion. At that time, Senator CARPER and I asked the industry, the companies, to sit down with the National Governors Association, the National Conference of Mayors, the National Association of Counties and take these principles—federalism on the one side, laissez faire on the other—and suggest to us some ways we could craft legislation that recognized we all agree with both principles. We need to find a way to put the principles together. That is what this compromise did.

I will let the Senator from Delaware explain a little more about the details of it, but if he doesn't mind, I will go ahead a few more minutes and give a couple of examples of why the compromise is a good idea. Fundamentally,

it is a good idea because it achieves these three objectives:

No. 1, it updates the definition of what we mean by access to the Internet. It updates that definition.

No. 2, it avoids most unfunded Federal mandates. In other words, States that are now collecting—in effect, a sales tax on access to the Internet or, in some States, a gross receipts tax—in general may continue to do that during the next 7 years. It is a limited number of States, but it is still important to those States.

No. 3, it provides, after a reasonable period of time, that we come back and take a look at the whole issue. We finally decided on 7 years in the Senate so we can make sure the definition of Internet access has not changed so the law doesn't apply correctly. If anything is likely to change, it probably is the Internet.

At the time the Telecommunications Act was last written, in the middle of the 1990s, I doubt, with all respect, that most Members of the Senate even knew what the Internet did, much less used it. In 1998, when the first moratorium and the definition of Internet access tax was written, all we knew about was a telephone dial-up Internet. Yet, by 2004, we had to refashion a definition of access to the Internet to take into account that suddenly telephone calls were being made over the Internet, and States and local governments currently collect billions of dollars in local taxes from telephone services.

If the Federal Government banned that, then States would either have to raise tuition or raise some other taxes or cut services. So we decided, in 2004, that we didn't mean to keep States from making the decisions about services and taxation that they had already made, except for the connection of access to the Internet. That didn't just favor States and local governments, for us to figure that out and be accurate in our definition. It also was of great benefit to the industry because, for example, some States were taxing what is called the backbone of the Internet, which was not intended to be left out of the moratorium.

This compromise, which Senator CARPER, Senator SUNUNU and many others have worked out, I think, in the spirit of our country, takes two very important principles—laissez faire and federalism—and notices that they conflict in this question but comes to a reasonable compromise end result. So what we have is an updating of the definition of what we mean by access to the Internet. What we have is avoiding, for the most part, unfunded Federal mandates. And what we have is a reasonable period of time in which we can come back and revisit the issue, to make sure that what was happening in 2007 is still what we mean by the Internet in 2014.

I am glad to have been a part of this discussion. It went much better this year than it did in 2004, when we couldn't come to an agreement for about a year. The reason was because those affected by it—the entrepreneurs of America and the mayors, the cities, the Governors and county officials—helped us a lot by getting together, resolving their differences, and understanding each side has a legitimate point.

I am glad to be a part of it. I am glad to engage in this colloquy with Senator CARPER and I salute him for his consistent leadership and for, once again, demonstrating his ability to work well with people from many different walks of life and for being willing to work across the aisle, when that was necessary, to produce a result.

Mr. CARPER. Mr. President, if I could reply to the comments of my friend, he mentioned the fact that we do things over the Internet today that frankly we didn't think of about 10 years ago. Initially, we would do dial-up. Eventually, later on, we would have other ways to access the Internet to send our e-mail or instant messaging. I never imagined 6 years ago we would ever be able to do telephone calls over the Internet. In my State and other States as well, those States and local government depend on revenues they raise from telephone services to help pay for schools, to help pay for police, paramedics, fire service.

Now we have moved along. Folks are actually able to send TV, apparently, over the Internet. In a bunch of jurisdictions, not so much States but local governments, they actually derived some of their revenues, not inconsiderable, over the years from cable services and a tax on cable services they collect.

My dad used to say different things. Probably everybody can remember much of what your mom and dad said in your lifetime. One of the main things I remember my dad saying to my sister and me is there are two things certain in life: One of them is death, the other is taxes.

One of the other things that is certain in life is change, particularly change with respect to technology and change with respect to how we use the Internet. One of the beauties of the compromise we have hammered out here with a lot of hard work and support from Senator ALEXANDER and his staff member sitting right beside him, Lindsey, and on our side I especially thank Bill Ghent and Chris Prendergast for all their hard work and particularly our committee staffs who did a great job—but one of the beauties of the compromise we worked out is we have to come back and revisit this issue somewhere down the line 7 years from now.

The reason why that is important is because this is going to change. This technology is going to change. Our ability to use the technology and what we do with the Internet will change. It will be different 7 years from now. It is important for us to have the ability to come back.

I certainly lend a strong ''amen'' to what Senator ALEXANDER said. As Governor, he was Chairman of the National Governors Association—so was Senator VOINOVICH. We have three Members of the Senate who previously were Governors and led the National Governors Association. We fought hard as Governors in order to convince the Congress to pass the law that President Clinton signed in 1995: No unfunded mandates.

We worked hard in 1998 to make sure that as the Federal Government came in, we kind of stepped on that 1995 law, and said: Well, we want to change it a little bit, what you can collect in terms of revenues. We passed the 1998 legislation, the moratorium on Internet tax access.

They grandfathered in about nine States and said: If you are already collecting, you can continue to collect, but watch yourself there, and we said to the other 41 States, the other jurisdictions, if you are not collecting, you cannot start. But the thing I like about the legislation, we are respectful of the grandfathers, the nine States; they can continue to collect taxes as they have in the last 8 or 9 years. But they can not do something new or different.

By the same token, if they are collecting tax revenues on traditional services such as telephone and cable, they are going to be able to continue to do that. I do not know about the rest of you, but I was reminded of this—my boys have grown up in public schools in Delaware. It is important that my State have the ability to collect taxes to help educate our children in my State and other States, every other State.

We have paramedic service in our State, statewide paramedics. We have fire and police. It is important to me that the city of Wilmington, in which I live, has revenues that they need to make sure we are safe; that if we pick up the phone for 911, somebody is going to come if we need them; if we have a fire in our house or in our neighborhood, that someone is going to come and put it out. I want to make sure our city and other communities have the revenue they need to do that.

The last thing I would say here—and this goes back to something my dad used to say to my sister and me, when we would pull some boneheaded stunt. I must have done it a lot, because he used to say: Use some common sense. He must have said that 1,000 times during the time I was a little boy to the time I left and went off to college: Use some common sense.

I think what we have here, as my colleague said last week, a victory, a victory for common sense, a victory for bipartisanship, a victory that protects the rights and interests and obligations of State and local governments, a victory for those of us who want to have access to the Internet and not be encumbered by additional taxes. It is a victory in all of those areas.

It has been a pleasure working with Senator ALEXANDER and our colleagues on this one. We can set this one aside

for a while—I am sure we are both pleased to do that—and go on and maybe work on clean air issues, try to figure out how to protect the health of folks who are breathing sulfur dioxide and nitrogen oxide, and try to figure out how to do something with respect to climate change and maybe figure out how to use nuclear energy more effectively, to make all of that possible.

This has been a good—not a day's work but many months' work. I am delighted with the outcome. I thank my colleague and our colleagues who have worked with us and our staffs for getting us to this point.

The House of Representatives voted this afternoon. They took this up under suspension of the rules, the legislation we passed here last week. They passed the 7-year extension of the moratorium on Internet access unanimously, over 400-some votes to none. So we can feel good about that when we go home today.

Think about it. We have passed a good Amtrak bill, good passenger rail bill, worked across the aisle, thought outside the box. We did the same kind of thing with respect to protecting the rights of consumers, without stepping on the rights of State and local governments. I think we can be proud of that. I am, and I know my friend Senator ALEXANDER is as well.

I yield to him for any last comments he wants to make.

Mr. ALEXANDER. I thank the Senator and the Presiding Officer.

Maybe the next thing we can do as a Senate is take up the Senator from Colorado's legislation that I cosponsored, and a number of others have, on an honorable conclusion to the war in Iraq, and pass that. And then the American people might notice that with public transportation, with the Internet, and with the war in Iraq, the Congress was actually working together on issues that make a difference to them and is acting like grownups and achieving results.

This has been a good several months' work. I thank you for the privilege of working with you.

I yield the floor.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak in morning business for a few minutes.

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

The Senator from Missouri is recognized.

IN MEMORY OF PORTER WAGONER

Mrs. MCCASKILL. Mr. President, there are memories you have of childhood, and some of them are good memories and some of them are interesting memories and some of them are sad memories.

I remember as a child being kind of forced to watch a TV program that, frankly, probably was not my favorite, but now, as I look back on it, I understand why my great-aunt and some of the other friends and neighbors I lived with and near in southwest Missouri loved Porter Wagoner.

Porter Wagoner has died of cancer at the age of 80. He lived in Nashville, but he is one of Missouri's. He is a Missourian who went on to distinguish himself in country music. I know his funeral will be Thursday at Nashville's Grand Ole Opry House. When his life is celebrated at his funeral, I know hundreds and thousands of Missourians will feel the loss of Porter Wagoner.

Porter Wagoner's life was a country music song. He was born on a farm near West Plains, MO. My mother's family has their roots in West Plains, MO. This is the heart of the Ozarks in the center of the south of Missouri. He was from a family that was very poor, who literally lived off the land.

In fact, Porter Wagoner bought his first guitar for $8. The way he paid for that guitar was he trapped rabbits and sold the rabbit skins and saved up $8.

His family fell on hard times, and they had to auction the farm. So they had to move into the city, the city of West Plains, MO, where Porter Wagoner got a job at the butcher shop. The butcher heard Porter Wagoner playing that $8 guitar he had gotten from Montgomery Ward and asked him to sing in the commercials for his butcher shop on the radio—and a star was born.

After he began singing in the commercials for the butcher shop, they eventually then put him on the radio to sing the advertisements in an area where people in Springfield, MO—the big city of Springfield—heard Porter Wagoner singing in those butcher shop advertisements, and he moved to a station in Springfield, MO.

In 1952, he signed a record contract with Steve Sholes, the very same RCA producer who signed Elvis Presley 3 years later.

In 1953, Porter Wagoner spent $350 to buy his first extravagant rhinestone-studded creation that he became known for. He always had these incredible outfits that were very sparkly and always involved a wagon wheel and maybe had one of his signature items, which was the fact he had put, in rhinestones, on the inside lining of the coat, in great big letters: ''Hi!'' So when you would meet Porter Wagoner, he would flash his jacket, and this friendly ''Hi!'' would beam out at you. He ended up buying over 50 of these outfits, and they epitomized the style we affectionately call ''hillbilly deluxe.'' They cost anywhere from $8,000 to $12,000 apiece.

He had many successes. He had many ups and downs in his life. In fact, recently a record was made that talked about the time he was receiving help for his mental issues in a hospital and how he went long periods of time without recording. But through the years, he had 29 top 10 hits, including ''Green, Green Grass of Home,'' ''Skid Row Joe,'' and ''The Cold Hard Facts of Life.''

There was this young blonde who he made famous. He asked her to come and sing with him on his show. It is now well known who that young blonde was because that, in fact, was Dolly Parton. If it were not for Porter Wagoner, Dolly Parton maybe never would have gotten the chance she needed to catapult her into the culture of country music in this country.

He never had the kind of fancy success that many of our stars have today, but he was like country music. His life went up and down, with very hard beginnings in terms of what he came from. He achieved great success and had low moments.

But through it all, his style was very simple—a very simple country music style.

In fact, it was very common for him to use the talking style where he would stop singing and actually talk through a song, telling the story, weaving the tale, tying the threads together, so the listeners, before the song was over, not only found themselves tapping their toe or smiling, but they would find that the heartstrings were being pulled. They would have an emotional connection to Porter Wagoner's music and the lyrics he considered so important to the essence of country music.

I know everyone in Missouri will miss Porter Wagoner. We have tributes to a lot of people on this floor. I know the people in West Plains, MO, are so proud of him. In fact, I say to the Presiding Officer, right now, if you traveled with me to West Plains, MO, and we turned onto the main drag, you would look at the street sign, and it would be named nothing other than ''Porter Wagoner Boulevard.''

He had a band called the Wagonmasters.

Tonight in Missouri—all across rural Missouri and in the urban areas of Kansas City and St. Louis—all the country music fans are proud of the fact he was one of Missouri's own. Not only will country music miss him, we will miss him in Missouri and what he has meant to our State.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized without objection.

CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT OF 2007

Ms. KLOBUCHAR. Mr. President, for months, news of recalled toys has dominated our headlines. As a mom and as a former prosecutor and now as a Senator, I find it totally unacceptable that toxic toys are on our shores and in our stores. As my 12-year-old daughter said when her favorite Barbies were recalled: Mom, this is getting serious.

Today, the Senate Commerce Committee on which I serve took action to stem the tide of recalls, to finally take lead out of children's products, to establish real third party verification, to simplify the recall process, to finally make it illegal to sell a recalled product, and to get the Consumer Product Safety Commission more resources. Our bill is the Consumer Product Safety Commission Reform Act of 2007, and it is some of the most sweeping reform we have seen in years and years and years of this agency, which is really now a shadow of its former self.

I would like to thank the Commerce Committee chairman, Senator INOUYE, for his work on this bill, as well as Commerce Consumer Subcommittee chair, Senator PRYOR, for his work, as well as Senator DURBIN and Senator BILL NELSON. We all worked together to put together a very strong bill. To me, the focus is simple. We need to get these toxic toys out of our children's hands.

Today's action by the Commerce Committee sends to the Senate floor our opportunity to effectively ban lead from all children's products—not just voluntarily, not just as a guideline, but with the force of law. I think it is shocking for most parents when they realize that we never had a mandatory ban on lead in children's products. We never had that in this country. It was a voluntary guideline, and it takes a long time, and there are delays and delays and all kinds of loopholes and requirements that have led us to the situation that we are in now.

As millions of toys are being pulled from store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in children's products.

The need for this ban for me is crystallized from a case that happened in Minnesota. Any parent can tell you the first place a new toy goes is in a little child's mouth, but that shouldn't be our first test for lead, as you will see with what happened in this case in Minnesota.

Last year, 4-year-old Jarnell Brown got a pair of tennis shoes at the store with his mom, and with that pair of tennis shoes came a free charm. His mom didn't buy that charm, he didn't buy that charm, but they brought it home, and he swallowed that charm. He didn't die from ingesting the charm. He didn't choke on it. It wasn't that his airway was blocked. He just swallowed this little charm and it went into his stomach and over a period of days, the lead in that charm went into his system, went into his bloodstream, slowly, slowly, over a period of days, and he died. When they tested him, his lead level was three times the accepted level. When they tested that charm, that charm, which was from China, was 99 percent lead.

What is most tragic about this little boy's death is that it could have been prevented. He should have never been given that toy in the first place. It shouldn't take a child's death to alert us to this problem, but that is what we have seen across this country. Parents should have the right to expect that toys are tested and that problems are found before they reach a toy box.

The legislation I originally introduced to address this problem, the lead ban, is what is included in this bill that we passed through the committee today. It basically says that lead in any children's product shall be treated as a hazardous substance. It sets a ceiling for trace levels of lead, and it empowers the Consumer Product Safety Commission to lower the ceiling even further through rulemaking as science and technology allow. It sets the level at .04, which is slightly below the voluntary guideline they have been using at the CPSC—.06. Several other States have levels around .06.

It also sets a lower level for jewelry at .02 parts per million, which is basically the level that is taking effect in California. The reason for that is not just little kids, 4-year-olds swallowing charms like the sad, tragic case in Minnesota, but also actually junior high and high school girls chewing on jewelry. It is the most direct way to get lead into their system, and that is why we set the trace lead level lower for jewelry. That was what we proposed in my bill, and that is the standard that is now included in the Commerce bill which is headed to the floor.

Just yesterday, Consumer Reports released the results of 4 months of laboratory testing for lead in children's products, and what they found was alarming: high levels of lead in items ranging from toys to jewelry to vinyl backpacks, to lunch boxes. According to a poll released by Consumer Reports, 36 percent of consumers say they will be buying fewer toys this holiday season, and 70 percent said they will be checking product labels. It is clear that consumer confidence in the safety of our toys has been shaken.

For 30 years, we have been aware of the dangers posed to children by lead paint. It shouldn't have taken us this long to take lead out of their hands and out of their mouths, and it is the Consumer Product Safety Commission's job to do just that.

In recent months, it has become all too obvious that this commission needs much reform and that it is long overdue. As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. Not surprisingly, the marketplace for consumer products has changed significantly in the last 15 years, and this summer we saw firsthand how ill-equipped the Commission is to protect our most vulnerable consumers—our children.

Today, the Commission is a shadow of its former self, although the number of imports has tripled—tripled in recent years, and as my colleagues know, all of these recalls recently have been toys from China, literally millions and millions of toys. The number of the Commission's staff and inspectors has been reduced by more than half, dropping from a high in 1980 of 978 to just over 400 today. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

Even worse, we now know the Commission has only one toy inspector. His name is Bob. He worked in kind of a makeshift laboratory, and he is retiring at the end of this year.

Repeatedly this year, we have seen that the Consumer Product Safety Commission's recall process can be very slow. In some cases, such as the recalls of the Simplicity cribs and the Magnetix toys, years passed between when the Consumer Product Safety Commission was first alerted to the problem and when it acted to recall the product in question—the result of an outdated provision that places the interests of manufacturers before the interests and safety of consumers.

The legislation passed by our Commerce Committee today goes a long way in modernizing the Commission. This legislation more than doubles the CPSC's budget authorization by the year 2015—a dramatic change—and it provides the Commission with the tools it needs to enforce our consumer protection laws.

Today's legislation will also make it illegal to sell a recalled toy, finally taking action against those bad actors out there who are knowingly leaving recalled products on their shelves or placing them for sale online.

I do at this moment thank some of the retailers that have been working with us on this bill, including Target from our State of Minnesota, as well as Toys ''R'' Us, whose CEO testified before our Appropriations Committee and was positive about moving forward and understood the need to beef up the tools for the CPSC, as well as increase resources for that agency.

Finally, I was pleased to see incorporated into our bill today the idea that we need to make it easier for parents to identify the toys when a recall happens. First of all, when a recall happens, we need to make it easier to get the information. I have talked to parents who have neighbors who put an e-mail under their door, and that is how they found out about it.

The other way is to make it easier. When they know there is a recall, currently, there is no requirement for a batch number or a date on these toys. When Thomas the Train Set is recalled,

the parents are going through the caboose, the green car, and the yellow car, trying to figure out do they have the car that was recalled. Obviously, they don't always remember the date they bought it. This can be easily fixed by putting a batch number on the toy. Obviously, you cannot do it on things such as Pick Up Stix, on individual sticks. We are reasonable about this. The bill says ''when practicable.'' You can put it on the toy where you can read it. It also requires that the batch number be put on the package. The reason it has to be put on the package is not for the parents. Except for my mother-in-law, I think most people throw the packaging away.

It needs to alert smaller retailers and people selling things on eBay. The major outlets, such as Target, are able to, once they find out what the batch number is, close down their register so those toys cannot get through. If you are selling it on eBay or if you are in a smaller store, you may have to look at the batch number to find out, such as a parent would, what is recalled.

That is why our legislation asked for the batch number to be both on the toy, when practicable, and on the packaging. We have seen too many headlines this summer to sit around and think this problem is going to solve itself.

As a Senator, I feel strongly that it is important to take this step to protect the safety of our children. When I think of that 4-year-old boy's parents back in Minnesota and about all these other children who have been hurt by these toys that they had no control over—they are little kids—we can do better in this country. We can beef up this agency that has been languishing for years, and we can put the rules in place that make it easier for them to do their job.

We cannot sit around bemoaning the results anymore. We have to act. We have our opportunity, and I hope we do it quickly.

I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IRAN

Mr. DURBIN. Mr. President, we are now more than halfway through our fifth year in this war in Iraq. We find ourselves stuck as an occupier in a Middle East civil war. Thousands of our sons and daughters have been killed or injured. The total financial cost may be well over $1 trillion—money, I might add, that this administration has borrowed against our children's future.

America's reputation internationally has been severely damaged and critical military, diplomatic, and intelligence resources have been diverted from the war in Afghanistan—a war I supported, and a country this administration has increasingly neglected. And now, after so many errors, so many lives, and so much damage, this administration is again raising the prospect of yet another war in the Middle East—this time a war with Iran.

I fear this administration has learned nothing from the colossal error, colossal misjudgment in the invasion of Iraq. Let me be clear: I am gravely concerned about Iran's activities in the region and its nuclear agenda. But any offensive action against Iran must be approved by Congress. The Constitution is very clear: Article 1, section 8 vests in Congress the power to declare a war. Our Founding Fathers did this for an important reason. Taking a nation into war is a serious decision and must be decided with the consent of the people. The Framers wisely gave Congress this power based on experience in other nations in which their executives too easily took nations to war in the pursuit of glory, ambition, treasure, or revenge.

In fact, as my colleague Senator BYRD of West Virginia has eloquently said in the past, it is exactly during the time of war or emergency that our constitutional principles—checks and balances, separations of powers—are the most critical.

Recent statements by this administration give me concern that this administration is considering just this—an offensive military action against Iran without the consent of Congress. Both President Bush and Vice President CHENEY have made public remarks about Iran that suggest an administration readying for military aggression. We know Vice President CHENEY's historic views on fundamental checks and balances in our constitution. They are disturbing.

For example, in 1996, the PBS documentary series, ''Frontline,'' ran an episode on the fifth anniversary of the gulf war. It included a troubling interview with DICK CHENEY, who was Secretary of Defense during the first Bush administration. In it, Secretary CHENEY said:

> I argued in public session before the Congress that we did not need the congressional authorization. I was not enthusiastic about going to Congress for an additional grant of authority. I was concerned that they might well vote no, and that would make life more difficult for us.

President George H. W. Bush, nonetheless, wisely sought, and received, congressional approval. Yet incredibly, Secretary of Defense CHENEY said at the time:

> If we had lost the vote in Congress, I would certainly have recommended to the President that we go forward anyway.

Those were his words as Secretary of Defense. Now, not only a heartbeat away from the President but also the closest counsel to the President, we know what his views are in terms of the role of Congress and our constitution. He is not alone. President George W. Bush has shown similar disregard for the role of Congress and the law with his regular use of signing statements. Let me read an excerpt from his signing statement from the 2002 Iraq war resolution. President Bush wrote that while he appreciated receiving congressional support,

> My request for it did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use force to deter, prevent, or respond to aggression or other threats to U.S. interests or on the constitutionality of the War Powers Resolution.

The President was appreciative that Congress, the majority of Congress, gave their support for his war in Iraq. He made it abundantly clear at his signing statement he didn't believe it was necessary.

And in October 2005, when asked by members of the Senate Committee on Foreign Relations whether the President would circumvent congressional authorization if the White House chose military action against Iran or Syria, Secretary of State Condoleezza Rice replied:

> I will not say anything that constrains his authority as Commander in Chief.

So now we know. Not only the President but the Vice President and the Secretary of State view the Constitution, when it comes to the declaration of war, as an annoyance, not to be taken seriously, if it would in any way stand in the path of a commander in chief's agenda. Apparently, the President, the Vice President, and the Secretary of State see congressional approval for war as an option, not a fundamental requirement under the Constitution. This should trouble every American.

Let me also be clear that nothing this Congress has previously said or done authorizes offensive military action against Iran. Nothing.

Following the attacks of September 11, Congress passed Senate Joint Resolution 23 on September 18, 2001. It authorized the President to use armed forces

> against those nations, organizations, or persons against those he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11.

This language was certainly never intended to allow this President to initiate offensive military action against Iran.

Later, in October 2002, Congress passed the Authorization for Use of Military Force Against Iraq Resolution. It authorized the President to use armed forces

> to defend the national security of the United States against the continuing threat posed by Iraq.

Again, that resolution was never intended to allow military action against Iran.

Even more troubling is how this administration missed early opportunities to deal with the challenge of Iran. For example, shortly after the toppling of Saddam Hussein, moderates in the Iranian Government faxed an offer to the State Department—a ''grand bargain,'' they called it. It arrived at a time when moderates were still in power in Iran and it reportedly had the approval of the Supreme Leader Ayatollah Ali Khomenei.

The grand bargain offered to put all issues on the table with the United States—Iran's support for terrorist groups in the region, its nuclear program, among other things. Tragically, this administration ignored it, as it ignored so many diplomatic opportunities prior to the invasion of Iraq. Hellbent on use of our great military, it ignored a diplomatic opportunity that could have been historic. The Iranian moderates were discredited, replaced by hard-line elements who today are pursuing more reckless policies in the region.

A war with Iran could have devastating consequences. It could further inflame an already intense Middle East, further radicalize terrorist organizations, lead to more death and disability, and severely disrupt trade and oil shipments in the Middle East. It could entangle our beleaguered military in yet another complex, long-term conflict.

Richard Armitage, President Bush's former Deputy Secretary of State, warned us. He said:

> It would be the worst of worlds for an outgoing administration to start a conflict.

How right he was. Accordingly, any such decision must be taken seriously and with deliberation.

Last week, I introduced a resolution affirming in very plain, concise language the constitutional requirement that this President, any President, must seek congressional approval before initiating an offensive military action, such as one in Iran. Perhaps that time may inevitably arrive—I hope not—but if it does, this President cannot stand alone or act alone. The Constitution requires that he come to this Senate and the House of Representatives in the Capitol to make his case to the American people.

I recall his press conference of 2 weeks ago. The President brought up an image which was hard to comprehend—the image of a third world war, a third world war if we didn't take action against Iran. I know Iran is a threat in the region, I know they sponsor terrorism, I know a nuclear Iran is not a stabilizing force but a destabilizing force, and yet for this President to walk away from economic sanctions, diplomatic alternatives, and to suggest that the military is the only way to prove our resolve is to once again remind us that 5 years ago this same President came to us and asked for the invasion of Iraq.

I remember Vice President CHENEY telling us our soldiers would be greeted with flowers and parades and a triumphant welcome. That lasted for such a short period of time. And now, 3,900 American soldiers, 3,900 American lives later, tens of thousands who have been injured and disabled, we find ourselves embroiled in a conflict with no end in sight.

This President is looking to the exit on January 20, 2009. This Congress has to stand with one voice, Democrats and Republicans, and remind this President that as he heads for the exit he shouldn't head America into a new war. We are not prepared for this. We don't need this. And the President needs to understand what we do need is a chief executive who will follow the Constitution.

TRIBUTE TO POLICE CHIEF JOHN KAZLAUSKAS

Mr. MCCONNELL. Mr. President, I wish to pay tribute to John Kazlauskas, who after 41 years of dedicated service, will be retiring as the Owensboro, KY, chief of police this November.

Ever since his start at the Owensboro Police Department in 1966, Chief Kazlauskas has been committed to the progress of the department and to the safety of his community. His dedication and hard work allowed him to quickly progress from a patrol officer to captain, and ultimately to the highest rank within the department, chief of police, in 2002.

Throughout his tenure, Chief Kazlauskas has played a vital role in developing several innovative internal programs that have modernized the department. Chief Kazlauskas helped to create the evidence collection unit and the polygraph unit. Chief Kazlauskas also assisted the department with its accreditation process, which involved implementing 120 standards required by the Kentucky Association of Chiefs of Police.

As chief, Mr. Kazlauskas helped improve the services offered by the local police department by further expanding the bomb squad and emergency teams, ensuring police cruisers had modern mobile data terminals, and overseeing the implementation of an electronic management system, providing a major overhaul to the records department.

Chief Kazlauskas also made a significant impact throughout Owensboro, increasing the community involvement with the department by putting into place the Citizens Advisory Panel, Crime Stoppers, and creating a public information officer position within the department. These steps have built a trusting relationship between the citizens of Owensboro and local law enforcement, making them partners in keeping their neighborhoods safe.

Chief Kazlauskas not only spent his career ensuring the safety of his community, but also contributing to the safety of this Nation. Drafted into the armed services in 1968, Chief Kazlauskas served as an Army helicopter pilot, chief warrant officer. After a tour of duty in the Republic of South Vietnam, Chief Kazlauskas received a Bronze Star with 23 Air Medal Oak Leaf Clusters for flying over 800 hours of combat time.

Chief Kazlauskas has provided constant support, always placing the well-being of his community above his own. The Commonwealth, as well as the city of Owensboro, has benefited greatly from his outstanding leadership. Mr. President, I ask my colleagues to join with me in recognizing Police Chief John Kazlauskas's unwavering dedication to his fellow officers, his community, and Kentucky.

TRIBUTE TO LIEUTENANT COLONEL GEORGE WARFIELD FLOYD CHAPMAN

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to LTC George Warfield Floyd Chapman, a war hero who sacrificed much to ensure the safety and freedom of his fellow Americans.

Lieutenant Colonel Chapman recently passed away at the age of 92, leaving behind a great legacy of faith, courage, and honor. Born in Lovely, KY, in January 1915, Lieutenant Colonel Chapman graduated from Pike Jr. College in 1937 and from Eastern Kentucky University in 1940.

In 1941, Lieutenant Colonel Chapman was drafted and commissioned a second lieutenant in the U.S. Army Infantry Division. In 1943, shortly after marrying his late wife of 64 years, Katherine Carole Coble, he was sent to Europe to fight in World War II.

In 1944, Lieutenant Colonel Chapman was captured by the German Army during the Battle of Anzio, Italy, a tragic conflict that witnessed the staggering loss of many British and American soldiers. He then spent the next year in prisoner of war camps in Germany and Poland, wounded and enduring great hardships and suffering.

Lieutenant Colonel Chapman was awarded the Silver Star and two Purple Hearts for his wartime service, but in no way do these truly reflect all that he gave for his country.

After his return from Europe, Lieutenant Colonel Chapman and his wife Katherine moved to Texas where they raised three sons. Lieutenant Colonel Chapman worked in production for the Continental Oil Company and remained active in the U.S. Army Reserve, retiring as a lieutenant colonel. By the time he retired from the Continental Oil Company in 1962, he had earned a master's degree from Texas A&I University.

Lieutenant Colonel Chapman was a hard worker who not only dedicated much of his life to his country but also to his family as a devoted husband and exceptional father. He was also a historian, maintaining an excellent knowledge and passion for understanding life, history, and politics.

Mr. President, Lieutenant Colonel Chapman will be forever remembered not only as a hero of World War II, but also as a hero in the hearts of his beloved family members. They treasure the gifts he gave to them and to his country. Lieutenant Colonel Chapman belongs to a select group of individuals to whom our country will forever be indebted. I would ask my colleagues to rise today in honor of all those who gave so much to this country, including a great Kentuckian, LTC George Warfield Floyd Chapman.

EASTER SEALS

Mr. KENNEDY. Mr. President, the charitable sector has long been an important partner with government in meeting the needs of the disabled. For more than 85 years, Easter Seals has partnered with individuals, families, businesses, communities, and government to help children and adults with disabilities live, learn, work, and participate in their communities.

Each year, Easter Seals assists more than 1 million people through its nationwide network of community-based organizations. These affiliates provide top-quality, family-focused, and innovative services to meet the specific needs of the particular community it serves.

Last year, more than 72,000 children received early intervention and childhood development services through Easter Seals. Over 54,000 adults with disabilities learned the skills and gained the confidence needed to seek meaningful employment because of Easter Seals' job training programs. Almost 35,000 children and adults with disabilities participated in confidence-building activities at Easter Seals' camping and recreation programs. Tens of thousands of children and adults with disabilities received life-changing medical rehabilitation therapies and case management services from Easter Seals.

Easter Seals has long been an effective advocate and important resource on policy issues affecting people with disabilities and their families. Its founder, Edgar ''Daddy'' Allen, lobbied the Ohio Legislature to fund services for children with disabilities in the 1920s. Today, thousands of Easter Seals volunteers and staff from across the country will continue in ''Daddy'' Allen's footsteps, meeting with their legislators to discuss the importance of low-income working families being able to obtain health insurance for their children.

Earlier this month, Easter Seals held its national convention in Washington, DC, and its supporters met with Members of the House and Senate to discuss its worthy mission. It is one of America's most respected and effective charitable organizations, and I join my colleagues in congratulating them on a very successful convention.

WOMEN'S LUNCH PLACE IN BOSTON

Mr. KENNEDY. Mr. President, I welcome this opportunity to commend Women's Lunch Place in Boston, MA for 25 years of dedicated service to women in need in the Boston area.

The persistence of homelessness in our State has long been a focus of concern and attention for many of us in Boston and throughout our Commonwealth. Homeless persons each have their own story of their unique circumstances, but they teach us the same lesson—that we must deal more effectively with the causes of homelessness, such as drug abuse, poverty, domestic violence, mental illness, and the lack of basic skills and adequate education.

All the members of Women's Lunch Place and its supporters take well-deserved pride in the outstanding work they have done over the past 25 years in providing needed assistance for the countless numbers of women who have walked through its doors. They have made a remarkable difference in the lives of those they have touched so deeply, and all of us in Massachusetts are proud of their achievement.

The strong commitment of Women's Lunch Place has enabled these women to embark on a new life and equipped them with the support of a community and a newfound optimism for their future. As it continues its mission and its ever-expanding possibilities in the years ahead, I commend Women's Lunch Place for all it does so well.

IMPORTANCE OF FAMILY HISTORY

Mr. HATCH. Mr. President, today I wish to speak on a topic that is of growing importance to many throughout our Nation, especially in my home State of Utah. That subject is family history.

As many of my colleagues know, I have always been a strong believer in the importance of researching personal family history and learning more about our roots and heritage. For some, it is a hobby; for others, it is a passion to collect, preserve, and share genealogies, personal histories, and memorabilia that document the life and times of families around the world.

Studies show that a large majority of Americans have an interest and are actively involved in tracing their family's history. Indeed, millions of individuals throughout the United States and the world continue to utilize our Nation's libraries and archives to search the records that detail the history of our Nation, our States, our communities, and our citizens. In recent years, the Internet has also become an invaluable tool for those seeking to learn more about where they came from and what legacies they have inherited.

I have been pleased to learn that several agencies throughout the Federal Government have established programs which I believe will greatly assist our citizens in their desire to research their family history. The National Archives and the Departments of Defense, Veterans Affairs, the Interior, Commerce, and Justice have all undertaken efforts to make digital copies of American records accessible through the Internet. Once completed, these programs will ensure that countless historical documents, including military, census, court, land, justice, and probate records as well as photographs, newspapers and other sources of historical information will be preserved for generations to come.

As you might expect, Mr. President, scanning billions of documents is a daunting, as well as expensive, task. Realizing this, Federal agencies have created numerous public-private partnerships with various companies throughout the country, including some from my home State of Utah. Many of these companies do so out of an interest in helping the public gain access to important documents and are not wholly motivated by profits or gain. The expertise provided to the government by many Utahns have made it easier for agencies to scan, index, and preserve various records for posterity. Private organizations have also worked with government archivists to devise disaster plans in order to protect vital records from being destroyed in event of catastrophe.

The importance of protecting and preserving the history of our country cannot be overstated. Recent events, such as Hurricane Rita and the fire in the Washington, DC Library, have demonstrated the need to be proactive in preserving the records of our Nation's past.

Mr. President, I want to commend those, both in the government and the private sector, who have worked to preserve our Nation's heritage for future generations. As one who has long been interested in family history, I am extremely grateful for their efforts.

GUN VIOLENCE

Mr. LEVIN. Mr. President, it has been 5 years since the sniper shootings that paralyzed the Washington, DC, area came to an end. At 3:19 in the morning on October 24, 2002, the Federal Bureau of Investigation arrested John Allen Mohammad and John Lee Malvo, putting an end to their reign of terror. Over the course of 23 long days, these two individuals randomly shot and killed 10 innocent people and critically injured 3 more.

Following their arrests, John Lee Malvo was sentenced to life imprisonment, and John Allen Mohammad was sentenced to death. Many community leaders urged action on gun safety legislation. However, how much has been done to help prevent such incidents?

Last month the Federal Bureau of Investigation released its latest ''Crime in the United States'' report, detailing

local, State, regional and national statistics for 2006. According to the report, 14,990 people were murdered in the United States last year alone. This is an increase over 14,965 murders in 2005, and 14,210 in 2004. Of the 14,990 murdered in 2006, 10,177 people were killed by a firearm. In Michigan alone, there were 711 murders last year, 498 involved a firearm. These numbers are simply staggering.

Gun violence is preventable. However it requires action. In order to reduce the level of gun violence in our homes and communities, Congress must pass common sense legislation to keep guns out of the hands of children and criminals.

Without action, guns will be found increasingly in our high schools, universities, religious institutions, and our homes. Some of us in Congress have heard voices cry of families, educators, and police officials around this country and continue to work to pass sensible gun legislation, which would limit access to guns by prohibited persons, close the gun show loophole, reauthorize the assault weapons ban and aid law enforcement agencies in tracking gun traffickers. Congress needs to address these needs and do everything possible to reduce the levels of gun violence in America.

RISING GAS PRICES

Mr. LEAHY. Mr. President, oil prices closed at another record high yesterday over $93.50 a barrel. That is nearly triple the average price just 4 years ago, and we have reason to fear that oil may be on its way to over $100 a barrel and possibly to $120 a barrel. Gas prices are reportedly 65 cents a gallon higher than they were just a year ago. This is an unacceptable burden to hundreds of thousands of families across the country, and it harms American consumers as well as the American economy. This winter, the price of home heating oil will be a serious burden on thousands of Vermonters.

The relentless rise in oil prices should be another clear signal that we need to redouble efforts toward energy independence. As we develop alternative energy sources, we must keep focus on the artificial manipulation of oil and gas prices today. Demand for oil is rising, but members of the Organization of the Petroleum Exporting Countries, or OPEC, continue to collude to prevent the supply from matching that demand. As the Centre for Global Energy summarized it: ''Without more oil from OPEC, prices will continue to rise over the winter.'' In a properly functioning market, OPEC members would compete to serve the demand, but OPEC acts outside the basic principles of competition.

As the weather cools, rising prices for heating oil are an even greater cause for concern. Thousands of hard working Vermont families, seniors and disabled persons will experience considerable strain in coming months as they try to balance the cost of such necessities as home heating oil, prescription drugs and food on their tables. The Energy Information Administration forecasts that the average U.S. household will see a winter increase of 22 percent in heating-oil expenditures from last year. In fiscal year 2006, Congress appropriated over $3 billion for the critical Low Income Home Energy Assistance Program, LIHEAP. Yet in his fiscal year 2008 budget, President Bush has requested only half that amount, or $1.5 billion. While LIHEAP grants are decreasing, the number of applications is rising.

The American consumer is being harmed for the benefit of oil producing cartels. This is just wrong. When the President took office, Americans could fill their cars, heat their homes, and run their businesses on gasoline that cost $1.45 a gallon. Today, fuel prices have skyrocketed to an average $2.87 a gallon. Prices will, at times, fall, but because fuel prices are not properly subject to competition oversight and enforcement, the American consumer will only benefit from lower prices when it serves some other purpose of the cartel and foreign governments.

The administration must stop OPEC from artificially affecting prices in the United States. I joined Senator KOHL as an original cosponsor of his bipartisan NOPEC legislation that would hold accountable certain oil producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel.

When entities engage in anticompetitive conduct that harms American consumers, it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments.

It is time for the administration to take the side of American consumers, not the side of oil cartels. We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. Vermont families, and families across the country, need our help to make essential home heating more affordable this winter.

PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT

Mr. LEAHY. Mr. President, in the days following the terrorist attacks of September 11, Members of Congress on both sides of the aisle came together to pass comprehensive legislation entitled ''The Air Transportation Safety and System Stabilization Act.'' This measure provided victims the option of filing a claim with a national compensation program or seeking limited damages in one Federal district court—the United States District Court for the Southern District of New York. Unfortunately, the legislation we passed failed to grant that trial court with the power to serve and enforce subpoenas outside of the traditional 100-mile radius of the Southern District of New York, even in the very cities where the hijacked flights originated and where two of them crashed on the morning of September 11.

We were able to pass a legislative fix to this problem recently in the Senate. I understand that the House of Representatives is poised to pass the Senate bill today. I praise my colleagues on both sides of the aisle and in both Chambers for acting to provide nationwide service of subpoenas for the September 11 victims. Although no amount of compensation can replace a lost loved one, the Procedural Fairness for September 11 Victims Act offers a technical fix that is crucial to allowing victims and their families to have their claims fairly and thoroughly heard in court. I urge the President to sign this legislation into law without delay.

REPATRIATION OF REMAINS OF VIETNAM VETERANS

Mr. TESTER. Mr. President, I rise today to honor the return of the remains of LTJG Donald F. Wolfe, whose body has finally been returned to American soil.

Lieutenant Wolfe—along with four of his fellow Navy aviators and sailors—was killed on October 8, 1967, when the E–1B aircraft they were flying on crashed near Da Nang in heavy weather. The bodies of these brave Navy servicemen could not be recovered at the time due to weather, terrain and hostile activity.

But today, almost exactly 40 years after this terrible incident, the remains of Lieutenant Wolfe and his colleagues are back home, bringing peace of mind and closure to his family at long last.

One of the great stains on the history of this Nation is the way that many of our Vietnam War veterans were treated when they returned home from war.

We should be honest with ourselves and with our veterans: The way that many of these veterans were treated during this time was wrong, and that kind of treatment hurt our country psychologically, and it hurt our country militarily.

Fortunately, our Nation has learned from that sorry episode. I take comfort in the fact that despite our vigorous disagreements about the Iraq war, all of us in this Senate and in our hometowns and States honor those who serve there.

And today we have an opportunity to make sure that these five men get the welcome home that all our troops deserved. We should stop to honor their memory and their service. It is not too late to say to these men and their families: Thank you.

I intend to observe a moment of silence this afternoon in memory of these men and in memory of all those who are still classified as missing in action. I encourage my colleagues and all Americans to do the same.

There are 1,767 individuals who are still classified as Missing in Action from the Vietnam War. Eighteen of these soldiers are from Montana.

They are: David Allinson, Helena; Richard Appelhans, Dodson; Alan Ashall, Billings; Michael Bouchard, Missoula; Alan Boyer, Missoula; Anthony Caldwell, Missoula; William Christensen, Great Falls; Jack Dempset, Helena; Charles Dudley, Bozeman; Michael Havranek, Missoula; Robert Holton, Butte; James Hunt, Missoula; Edward Letchworth, Libby; Patrick Magee, Alder; Lee Nordahl, Choteau; Victor Pirker, Trout Creek; Dean Pogreba, Three Forks; and Robert Willett, Great Falls.

To them and their families, you are not forgotten.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

PRESIDENT'S MEETING

• Mr. OBAMA. Mr. President, today President Bush is scheduled to meet with Ugandan President Yoweri Museveni. These heads of state have met before, but today's meeting comes at a pivotal time in Uganda's history.

After more than 20 years of conflict in northern Uganda in which well over a million people have been displaced and tens of thousands of children abducted and terrorized, peace appears to be within reach. Talks between the Government of Uganda and the Lord's Resistance Army, LRA, have led to genuine improvements on the ground. However, there is still much more work to be done to ensure a lasting peace. The United States must become a more active peace partner with Uganda as it negotiates with the Lord's Resistance Army.

The constructive mediation efforts of U.N. Special Envoy and former Mozambican President Joaquim Chissano deserve sustained, high-level U.S. diplomatic support. Two issues will be particularly difficult. First, Ugandans themselves will have to balance the imperative to make peace with the clear need to hold accountable those responsible for the horrifying abuses of the past. Second, leaders need to keep a spotlight on the vast development needs of the traumatized north. Paper plans and grand announcements will not be enough—the Government of Uganda must be committed to the north's development, and the donor community, including the United States, must be prepared to offer real resources to help.

Sadly, as negotiations to end the threat posed by the LRA continue, a different source of instability—- that of lawless militias in Karamoja, and the Ugandan military's often counter-productive, abusive response to them has prevented a more complete consolidation of security in the country. The Ugandan people can never achieve their full potential when they feel targeted by both their own military and marauding criminals.

This visit to the White House follows by days a meeting between President Bush and President Kabila of the Democratic Republic of Congo. I hope President Bush uses both meetings to reassert U.S. support for regional dialogue and stabilization efforts. Uganda has an important part to play in ongoing efforts to bring lasting stability to the Democratic Republic of the Congo, particularly through participation in the Tripartite Plus mechanism. The U.S. should continue to foster dialogue through that process.

Uganda is a major contributor to the African Union's peacekeeping efforts in Somalia. But the undermanned AU peacekeeping contingent cannot succeed in the absence of a broader political and economic strategy to stabilize Somalia. Right now, the Ugandan peacekeepers are in the hot seat, and the rest of the world is failing to advance the peace process and deliver the support that they need. The United States has a responsibility to lead effectively on this issue. I hope that the two Presidents have a frank discussion about what needs to be done to advance peace in Somalia.

Of course, Uganda is deservedly admired around the world for its early efforts to speak frankly and act effectively to fight HIV/AIDS, and I have no doubt that the ongoing fight against the pandemic as well as global efforts to combat malaria will be on the agenda for President Museveni's meeting. Recent reports have found that a disturbingly high percentage of Uganda's young people do not have accurate information about AIDS and about how to protect themselves. Because of its renown, Uganda has a special leadership role to play in this struggle. Frank talk is needed today more than ever.

Finally, I hope that President Bush will convey to President Museveni the sincere sympathies of the people of the United States for those affected by the recent severe floods in Uganda. As Americans cope with the terrible wildfires in California, we are all especially sensitive to the devastating human consequences of natural disasters wherever they occur.•

ADDITIONAL STATEMENTS

TRIBUTE TO VIRGINIA ''GINGER'' KIRK

• Mrs. DOLE. Mr. President, I wish to pay tribute to special agent Virginia ''Ginger'' Kirk of the Naval Criminal Investigative Service, who is retiring from employment with the Federal Government on October 30, 2007. Special Agent Kirk is retiring after over 24 years of Government service, the last 21 of which have been spent with NCIS. Of special note, during the course of her service with NCIS, she spent a year as a Department of Defense legislative fellow in the office of the late Congresswoman Tillie Fowler.

During the course of Special Agent Kirk's career in Government service, she rose from a GS–3 computer programmer for the Navy to a GS–15 NCIS senior special agent. In her final NCIS job, she was assigned to the Navy's Acquisition Integrity Office—a high-profile, high-impact position that put her on the inside of the Department of the Navy's most significant procurement fraud investigations.

Special Agent Kirk's law enforcement career began in the Norfolk fraud unit of the Naval Investigative Service, NIS—the precursor of today's NCIS. In addition to contributing to the collective success of the office there, Special Agent Kirk was singled out to receive the NIS Director's Cup, distinguishing her as the first-ever NIS Special Agent of the Year for fraud investigations. Her early career assignments were particularly fraud-focused and included tours at NAS Oceana, Pearl Harbor, New York, and Washington, DC. Among other postings, she spent a year with the FBI's Washington Field Office, working on major Government procurement fraud investigations jointly with her Bureau counterparts. That was followed by her first assignment in the counterintelligence arena in 1996, supporting both arms control treaty implementation and the Navy's International Program Office. Eighteen months later, Special Agent Kirk transferred to NCIS headquarters to serve as a desk officer in the NCIS Counterintelligence Directorate's Pacific Division.

In 1999, in what she describes as one of the most significant highlights of her career, she was selected to represent NCIS as a DOD legislative fellow on Capitol Hill. She served on the staff of the late Congresswoman Tillie Fowler, where she worked on a variety of defense, judiciary, and other issues. As a result of Special Agent Kirk's presence and persistence, Congresswoman Fowler sponsored legislation that was later incorporated into the Fiscal Year 2001 National Defense Authorization Act and ultimately resulted in statutory arrest authority being granted to civilian special agents of NCIS—an act of Congress that to this day is considered a watershed event within the agency.

Following her Capitol Hill assignment, Special Agent Kirk was reassigned to the NCIS Counterintelligence Directorate, where she worked on a host of policy issues. Thereafter, she was promoted to supervisory special agent and posted to NCIS's Washington, DC, field office. While her first year there was spent investigating procurement fraud, Special Agent Kirk and the fraud squad refocused their efforts on counterterrorism concerns as a result of the 9/11 attacks and the anthrax threat that plagued the Nation's Capital at that time.

In 2002, Special Agent Kirk transferred to the Pentagon as the NCIS liaison to the Joint Counterintelligence Evaluation Office within the Office of

the Secretary of Defense. She was subsequently assigned to be Assistant Special Agent in Charge for Criminal Investigations at the NCIS Southeast Field Office, located aboard Naval Station Mayport. She concluded her NCIS career back in DC in the Navy's Acquisition Integrity Office.

Mr. President, during the course of her Federal service, Special Agent Kirk has made many sacrifices. As noted above, she moved frequently to meet the needs of her agency, the Department of the Navy, and our Nation. She spent extended periods geographically separated from her husband, who was also an NCIS special agent, as each of them strived to meet their own mission demands. She and her husband, retired NCIS special agent Guy Kirk, have bought a home on the side of a mountain in Brevard, NC, where they plan to take some time together to hike and explore the area. She has also set up a stained glass studio and plans to pursue the artistic side of life. I know all of my colleagues join me in thanking Special Agent Kirk for her many years of dedicated service, and in wishing her ''fair winds and following seas'' as she and her husband Guy embark on the next chapter of their lives together.●

RECOGNIZING CAMPBELL-TIMMERMAN LEGION AUXILIARY

● Mr. THUNE. Mr. President, today I recognize the Campbell-Timmerman Legion Auxiliary, unit No. 115, of Platte, SD.

Each year the auxiliary participates in the Paralyzed Veterans of America pheasant hunt sponsored by the American Legion. The auxiliary provides food and accommodations for many of the veterans who come to hunt. Through their efforts, the auxiliary gives these veterans the opportunity to enjoy the fellowship of other veterans and appreciate the great outdoors.

Organizations like the Campbell-Timmerman Legion Auxiliary are the backbone of South Dakota's rural communities. It is my hope that their dedication to serving our State's veterans inspires others to lend a helping hand.

I would like to thank the Campbell-Timmerman Legion Auxiliary unit No. 115 for their service and wish them continued success in the years to come.●

HONORING STEVE BRIMM

● Mr. THUNE. Mr. President, today I honor Steve Brimm of Spearfish, SD, for his nearly 40 years of service to the U.S. Fish and Wildlife Service. Mr. Brimm is retiring from his position as project leader to the D.C. Booth Fish Hatchery where he has served for the past 10 years.

The D.C. Booth Historic National Fish Hatchery is one of the oldest operating hatcheries in the country dedicated to fish culture and resource management. Under Steve Brimm's leadership, the fish hatchery has continued to thrive and benefit not only the Spearfish community but the entire Black Hills region. By forging partnerships and nurturing cooperation within the fish hatchery system, Steve has given the D.C. Booth Fish Hatchery a chance to become one of the most well-preserved fish hatcheries in the United States. The hatchery has become an archival site for the Fish and Wildlife Service's fishery materials, and a functioning fish rearing facility, as well as being a tourist and economic attraction for the city of Spearfish.

For his dedicated service, Steve has been honored on both a State and national level. He was named a 2007 Take Pride in America National Award winner by the United States Department of the Interior and the Hatchery Helpers Youth Volunteer Program that Mr. Booth helped to develop was awarded a 2003 Take Pride in America National Award.

It gives me great pleasure to congratulate Steve Brimm on this special occasion and thank him for all his years of service to the D.C. Booth Fish Hatchery, the city of Spearfish, and the State of South Dakota.●

SOUTH DAKOTA COMMUNITY FOUNDATION'S 20TH ANNIVERSARY

● Mr. THUNE. Mr. President, I would like to take this opportunity to pay tribute to a key institution in my State, the South Dakota Community Foundation, SDCF, which will celebrate its 20th anniversary on November 11, 2007. This statewide organization is a perfect example of how private funds are raised in communities to ensure future sustainability. The SDCF is a model for those who believe there is no better way to improve themselves and our great State than through working together to accomplish great things.

The SDCF was started two decades ago by a group of leaders with a vision for South Dakota. Their vision included capitalizing on the philanthropic nature of South Dakotans to help rural communities redevelop and serve the needs of their citizens. Strong leadership over 20 years has resulted in thousands of investors and partners that have assisted local communities and nonprofit organizations to achieve new levels of success. The original group of investors was especially critical, as they embraced a concept that has now exceeded the expectations of many. Over 70 communities and hundreds of nonprofit organizations across South Dakota now have direct partnerships with the SDCF.

Twenty years ago, under the direct leadership of our late Governor George S. Mickelson, the SDCF was created. I wish that Governor Mickelson were alive today to witness the lasting legacy his initiatives have given to our State. The SDCF continues to meet the visionary goals of Governor Mickelson, and remains committed to taking the organization to levels unanticipated 20 years ago. Governor Mickelson's widow, Linda Mickelson Graham, served in a leadership role on the SDCF board of directors for nine years, and their oldest son, Mark Mickelson, is set to become chairman of the board in 2009. Governor Mickelson's dream is alive and well within the SDCF and across South Dakota.

The original funding for the SDCF came from generous gifts from the McKnight Foundation and the 3M Foundation. On their way to raising the first $10 million, the 3M Foundation and the State of South Dakota contributed $2 million each, and the McKnight Foundation added $3 million as a challenge grant. Using this seed money as an incentive, Governor Mickelson and then-SDCF Executive Director Bernie Christenson raised an additional $3 million within 1 year to fully fund the first phase of the SDCF.

Today, the SDCF has grown to over $70 million in total assets. Over 360 funds have been established by communities, families, nonprofit organizations, and businesses to benefit South Dakota in perpetuity. These funds provide support for nonprofit causes benefiting children, senior citizens, and individuals with special needs. South Dakotans from rural areas, Indian reservations, and our largest cities are reaping the benefits of this visionary plan.

Leadership has been a key component to the success of the SDCF. The original leadership to get the SDCF started, the continued leadership of the board members, and dedicated staff have all played and integral role. Current Chairman of the Board John E. Johnson, President Bob Sutton, and the current board leadership have set goals for the continued growth of the organization. This growth would not be possible without committed staff members, and two of them—Stephanie Judson and Ginger Niemann—have 20 years of combined service to the SDCF. The relationships they have built with donors and partners of the SDCF over the years are invaluable, and they deserve credit for a job very well done.

The future for the SDCF is bright. Over the next 5 years, the organization will grow to over $100 million in permanently endowed assets. This will result in $5 million annually being distributed to nonprofit and charitable causes in South Dakota. This commitment to human service, economic development, and cultural and educational organizations in South Dakota will leave a lasting legacy.

The success of the SDCF has come from many areas, including unmatched public/private partnerships, strong nonprofit organizations, local community leaders, generous contributors, and prudent fiscal management. On the local level, a new generation of leaders has been developed, with many communities finding the future resting in the hands of these individuals. Through the establishment of permanent endowment funds, these local leaders are able to envision what their communities

will look like decades from now. This is a major shift away from the mentality that small, rural communities had little or no future.

Today, I extend my hearty congratulations to the SDCF as the organization celebrates 20 years of ''Success Through Community Caring'' in South Dakota. As the work of the SDCF continues, I look forward to celebrating another 20 years of success in 2027.●

MESSAGES FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1473. An act to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance.

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''.

H.R. 3224. An act to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

H.R. 3247. An act to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes.

H.R. 3877. An act to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 230. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes.

H. Con. Res. 234. Concurrent resolution calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

ENROLLED BILL SIGNED

At 3:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

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

At 4:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

ENROLLED BILLS SIGNED

At 5:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. TESTER).

MEASURES REFERRED

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

H.R. 1473. An act to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the ''C. Clyde Atkins United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 2728. An act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''; to the Committee on Environment and Public Works.

H.R. 3224. An act to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

H.R. 3247. An act to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3877. To require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3927. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 230. Concurrent resolution supporting the observance of Breast Cancer Awareness Month, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 234. Concurrent resolution calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2295. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 2264. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the tax-free distributions from individual retirement plans for charitable purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2007, she had presented to the President of the United States the following enrolled bills:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3756. A communication from the Assistant Director of the Directive and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Modification of Timber Sale Contracts in Extraordinary Conditions; Noncompetitive Sale of Timber'' (RIN0596–AB70) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3757. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Decreased Assessment Rate'' (Docket No. FV–07–924–1–FIR) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3758. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2006–07 Crop Natural Seedless Raisins'' (Docket No. FV–07–989–1–FIR) received

on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3759. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Increased Assessment Rate'' (Docket No. FV–07–984–1–FR) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3760. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program, Sunset Review'' ((RIN0581–AC51)(Docket No. TM–04–07–FR)) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3761. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Unshu Oranges from the Republic of Korea into Alaska'' (Docket No. APHIS–2006–0133) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3762. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Additions to the List of Quarantined Areas'' (Docket No. APHIS–2007–0114) received on October 25, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3763. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Servicing of Water Programs Loans and Grants'' (RIN0572–AB59) received on October 12, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3764. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Captain Sean A. Pybus to wear the authorized insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3765. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report entitled ''Joint Improvised Explosive Divide Organization Third Quarter Report for Fiscal Year 2007''; to the Committee on Armed Services.

EC–3766. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Single Family Mortgage Insurance Program'' (RIN2502–AI03) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3767. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3768. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Standards for Mortgagor's Investment in Mortgaged Property'' (RIN2502–AI52) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3769. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Housing Counseling Program'' (RIN2502–AH99) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3770. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting Affiliate Marketing Regulations'' (Docket No. R–1203) received on October 25, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3771. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Michigan; Consumer Products Rule'' (FRL No. 8486–6) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3772. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Michigan; Recordkeeping and Reporting Requirements for Abnormal Conditions'' (FRL No. 8486–4) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3773. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York Emission Statement Program'' (FRL No. 8428–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3774. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: State Implementation Plan Revisions'' (FRL No. 8488–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3775. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority to the States of Iowa, Kansas, Missouri, and Nebraska for New Source Performance Standards; National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology Standards'' (FRL No. 8487–5) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3776. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; Plywood and Composite Wood Products'' ((RIN2060–AO65)(FRL No. 8482–2)) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3777. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ohio: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 8488–6) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3778. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Modification of Baselines for Gasoline Produced or Imported for Use in Hawaii, Alaska and U.S. Territories'' ((RIN2060–AK02)(FRL No. 8487–2)) received on October 25, 2007; to the Committee on Environment and Public Works.

EC–3779. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Trust Arrangements Purporting to Provide Nondiscriminatory Post-Retirement Medical and Life Insurance Benefits'' (Notice 2007–84) received on October 25, 2007; to the Committee on Finance.

EC–3780. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Non Refundable Upfront Fees, Technology Access Fees, Milestone Payments, Royalties and Deferred Income Under a Collaboration Agreement'' (UIL No. 263.13–02) received on October 25, 2007; to the Committee on Finance.

EC–3781. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—November 2007'' (Rev. Rul. 2007–66) received on October 25, 2007; to the Committee on Finance.

EC–3782. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Abusive Trust Arrangements Utilizing Cash Value Life Insurance Policies Purportedly to Provide Welfare Benefits'' (Notice 2007–83) received on October 25, 2007; to the Committee on Finance.

EC–3783. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''United States v. Roxworthy 457F.3d 590 rev'g No. 04–MC–18–C'' (AOD 2007–40) received on October 25, 2007; to the Committee on Finance.

EC–3784. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Proposed Changes to the Process for Obtaining Consent to Change an Accounting Method'' (Notice 2007–88) received on October 25, 2007; to the Committee on Finance.

EC–3785. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice of Additional 2008 Transition Relief Under Section 409A'' (Notice 2007–86) received on October 25, 2007; to the Committee on Finance.

EC–3786. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Inflation Adjustments Revenue Procedure'' (Notice 2007–66) received on October 25, 2007; to the Committee on Finance.

EC–3787. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Roosevelt Wallace v. Commissioner 128 T.C. No. 11'' (AOD 2007–5) received on October 25, 2007; to the Committee on Finance.

EC–3788. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transfers of Assets or Stock Following a Reorganization'' ((RIN1545–BD56)(TD 9361)) received on October 25, 2007; to the Committee on Finance.

EC–3789. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employer and Payer Guidance on Reporting and Wage Withholding Requirements for Calendar Year 2007'' (Notice 2007–89) received on October 25, 2007; to the Committee on Finance.

EC–3790. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Partnership Audit Techniques Guide'' (Chapter 13) received on October 25, 2007; to the Committee on Finance.

EC–3791. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deductions Under Sections 419 and 419A for Employer Contributions to Welfare Benefit Funds Utilizing Cash Value Life Insurance Policies'' (Rev. Rul. 2007–65) received on October 25, 2007; to the Committee on Finance.

EC–3792. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of major defense equipment including the C–130H Aircraft from Thailand to the Thai Aviation Industries and Rockwell Collins for the purpose of installing Avionic Upgrades; to the Committee on Foreign Relations.

EC–3793. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of technical data and assistance relative to the manufacture of water coolers and supporting materials for the Spy-ID Radar for the governments of Australia, Japan, Korea, and Spain; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Edward A. Rice, Jr., 4508, to be Lieutenant General.

Air Force nomination of Maj. Gen. Glenn F. Spears, 2012, to be Lieutenant General.

Army nomination of Brig. Gen. Carroll F. Pollett, 9096, to be Major General.

Army nomination of Maj. Gen. Benjamin R. Mixon, 7168, to be Lieutenant General.

Army nomination of Maj. Gen. David H. Huntoon, Jr., 1919, to be Lieutenant General.

Army nomination of Maj. Gen. Eric B. Schoomaker, 8284, to be Lieutenant General.

Army nomination of Brig. Gen. David A. Rubenstein, 6677, to be Major General.

Marine Corps nomination of Maj. Gen. Samuel T. Helland, 6309, to be Lieutenant General.

Navy nomination of Rear Adm. Bernard J. McCullough III, 4147, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Ernest Valdez, 4767, to be Major.

Air Force nominations beginning with Laura M. Hunter and ending with George W. Ryan, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Air Force nomination of Cheryl A. Kearney, 6145, to be Colonel.

Air Force nomination of Noel P. Kornett, 0523, to be Lieutenant Colonel.

Air Force nomination of Michael Maine, Jr., 4513, to be Major.

Air Force nominations beginning with Michael T. Butler and ending with Robert Cannon, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

Army nomination of Max B. Bullen, 0248, to be Major.

Army nominations beginning with John A. McHenry and ending with Alan S. Waller, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Army nominations beginning with Edward F. Frederick and ending with Gregory Charlton, which nominations were received by the Senate and appeared in the Congressional Record on September 27, 2007.

Marine Corps nomination of Kevin M. Gonzalez, 5053, to be Lieutenant Colonel.

Marine Corps nomination of Thomas J. Keating, 2706, to be Colonel.

Marine Corps nomination of Gerald R. Brown, 2925, to be Lieutenant Colonel.

Navy nomination of Stephen T. Vargo, 7730, to be Lieutenant Commander.

Navy nominations beginning with Gary Tabach and ending with Kelvin L. Reed, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

*Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2011.

*Coast Guard nomination of Capt. Steven E. Day, 3035, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Capt. Kevin S. Cook and ending with Capt. James A. Watson, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nominations beginning with Albert R. Agnich and ending with Michael B. Zamperini, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2007.

National Oceanic and Atmospheric Administration nominations beginning with Michael S. Gallagher and ending with Mark K. Frydrych, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 2258. A bill to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes; considered and passed.

By Mrs. FEINSTEIN:

S. 2259. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. SPECTER, Mr. CASEY, and Mr. JOHNSON):

S. 2260. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Mr. BIDEN, and Mrs. CLINTON):

S. 2261. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mrs. CLINTON):

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WEBB:

S. 2263. A bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards and other measurement services regarding underground communications to protect miners in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 2264. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the tax-free distributions from individual retirement plans for charitable purposes; read the first time.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. MIKULSKI, Mr. SPECTER, Mr. CASEY, and Mr. JOHNSON):

S. 2265. A bill to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008; considered and passed.

By Mr. SCHUMER:

S. 2266. A bill to amend the Internal Revenue Code to provide for an alternative test for qualifying as a cooperative housing corporation; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. Res. 360. A resolution offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University on October 28, 2007; considered and agreed to.

ADDITIONAL COSPONSORS

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 507

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 600

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from California (Mrs. BOXER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1003

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1060

At the request of Mr. BYRD, his name was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1386

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1386, a bill to amend the Housing and Urban Development Act of 1968, to provide better assistance to low- and moderate-income families, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) 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. 1758

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1758, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1852

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1852, a bill to designate the Friday after Thanksgiving of each year as ''Native American Heritage Day'' in honor of the achievements and contributions of Native Americans to the United States.

S. 1858

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 1858, supra.

S. 1871

At the request of Mr. KENNEDY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Virginia (Mr. WEBB), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1871, a bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws.

S. 1895

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1957, a bill to amend title 17, United States Code, to provide protection for fashion design.

S. 1966

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1966, a bill to reauthorize HIV/AIDS assistance.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2123

At the request of Mr. GREGG, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2132

At the request of Mr. BROWN, his name was added as a cosponsor of S. 2132, a bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

S. 2168

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2182

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2191

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2191, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2254

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2254, a bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

S. RES. 356

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 358

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 358, a resolution expressing the importance of friendship and cooperation between the United States and Turkey.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2259. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, the urban demands we have placed on our water supplies and ecosystem have resulted in significant water shortages in communities across the Nation. Water quality and quantity are in jeopardy if local, State, and Federal Governments do not support the implementation of cost-effective projects that enhance and increase potable water supplies.

Therefore, I am introducing this bill to authorize programs that will facilitate a comprehensive water supply and watershed project in southern California. Leaders and agencies across five counties in the Santa Ana Region of southern California have partnered to develop a comprehensive plan which addresses regional needs of their communities; communities whose population exceeds 3 million citizens. These communities are committed to leveraging over $1 billion in local and State funds to match the Federal Government's investment. Similar legislation has been introduced in the House of Representatives by Representative GARY MILLER, together with Representatives KEN CALVERT, DAVID DREIER, EDWARD ROYCE, JOHN CAMPBELL, DANA ROHRABACHER and LORETTA SANCHEZ.

Specifically, this bill would fund three distinct projects, which together will help address water needs of 64,000 households and increase the region's water supply by 31,000 acre-feet per year in an environmentally sustainable manner.

This legislation could serve as a model for communities nationwide to help meet the challenges imposed by decreasing snow pack and precipitation and scarce potable water supplies that will be exacerbated by climate change.

This bill would authorize the Federal Government to spend $10 million on a cost shared basis to create wetlands along the Santa Ana River, providing an expanded natural treatment system to purify the River before it replenishes Orange County's groundwater supplies. Like all of the projects in the plan, the construction of natural treatment systems using wetlands minimizes the impacts on the environment, reduces carbon emissions, and improves the quality of our groundwater supplies without costly control technologies.

An authorization of $25 million in the expansion of groundwater desalination in the Chino Basin would increase desalination from the current 9,000 acre-feet per year to 40,000 acre-feet per year. This element of the program would provide a new fresh drinking water supply for Jurupa Community Services District, Santa Ana Mutual Water Company in Riverside County, and the cities of Norco, Chino, Chino Hills, and Ontario in San Bernardino County. These communities serve the needs of millions of citizens.

Because the Santa Ana River watershed crosses multiple jurisdictions, this legislation seeks to complement the ability to produce reclaimed water in one area with expanded desalination projects in the neighboring Chino Basin, providing a four-fold increase in the ability to desalinate groundwater supplies. The Chino Basin groundwater desalters will be the primary drinking water supply for over 40,000 new homes in Riverside and San Bernardino Counties.

The Groundwater Replenishment System, which is expected to be fully operational in just weeks, is the largest indirect potable reuse project in the world. The focal point of the system is membrane purification technology. Thus, $12 million is being requested to build an advanced water filtration technologies research center to find better, more cost-effective approaches to water purification as it relates to municipal water supply needs.

This regional plan will decrease reliability on imported water supplies from the Colorado River and California's deteriorating Bay-Delta water supply system. It will also allow for banking millions of gallons of water in our groundwater basin, protecting the region against natural disasters that could disrupt the delivery of water to Southern California from the fragile Delta and Colorado systems.

I am proud of the commitment our regional agencies have made to develop a response to meet the current and future demands for water supply. The regional plan has broad community support, solves multiple water supply problems, reduces energy consumption, restores habitat, and provides significant jobs and economic benefits to one of the Nation's most densely populated areas. I look forward to timely consideration of this legislation that could provide the road map to solving water demands across the country.

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. 2259

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 ''Santa Ana River Water Supply Enhancement Act of 2007''.

SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16___. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the last item the following:

''16___. Prado Basin Natural Treatment System Project.''.

SEC. 3. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

''SEC. 16___. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

''(1) 25 percent of the total cost of the project; or

''(2) $26,000,000.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is further amended by inserting after the last item the following:

''16___. Lower Chino dairy area desalination demonstration and reclamation project.''.

SEC. 4. CENTER FOR TECHNOLOGICAL ADVANCEMENT OF MEMBRANE TECHNOLOGY AND EDUCATION.

(a) IN GENERAL.—The Secretary of the Interior shall establish at the Orange County Water District located in Orange County, California, a center for the expressed purposes of providing—

(1) assistance in the development and advancement of membrane technologies; and

(2) educational support in the advancement of public understanding and acceptance of membrane produced water supplies.

(b) MANAGEMENT OF CENTER.—

(1) CONTRACTS.—In establishing the center, the Secretary shall enter into contracts with the Orange County Water District for purposes of managing such center.

(2) PLAN.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Orange County Water District, shall jointly prepare a plan, updated annually, identifying the goals and objectives of the center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out subsections (a) and (b), $2,000,000, for each of fiscal years 2008 through 2013. Such sums shall remain available until expended.

(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Orange County Water District, shall provide a report to Congress on the status of the center and its accomplishments.

(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.

By Mr. KOHL (for himself, Mr. BIDEN, and Mrs. CLINTON):

S. 2261. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I use today to introduce legislation essential to consumers receiving the best prices on every product from electronics to clothing to groceries. My bill, Discount Pricing Consumer Protection Act, will restore the nearly century old rule that it is illegal under antitrust law for a manufacturer to set a minimum price below which a retailer cannot sell the manufacturer's product, a practice known as ''resale price maintenance'' or ''vertical price fixing''. Last June, overturning a 96-year-old precedent, a narrow 5–4 Supreme Court majority in the Leegin case incorrectly interpreted the Sherman Act to overturn this basic

rule of the marketplace which has served consumers well for nearly a century. My bill will correct this misinterpretation of antitrust law and restore the per se ban on vertical price fixing.

The reasons for this legislation are compelling. Allowing manufacturers to set minimum retail prices will threaten the very existence of discounting and discount stores, and lead to higher prices for consumers. For nearly a century the rule against vertical price fixing permitted discounters to sell goods at the most competitive price. Many credit this rule with the rise of today's low price, discount retail giants—stores like Target, Best Buy, Walmart, and the internet site Amazon, which offer consumers a wide array of highly desired products at discount prices.

From my own personal experience in business I know of the dangers of permitting vertical price fixing. My family started the Kohl's department stores in 1962, and I worked there for many years before we sold the stores in the 1980s. On several occasions, we lost lines of merchandise because we tried to sell at prices lower than what the manufacturer and our rival retailers wanted. For example, when we started Kohl's and were just a small competitor to the established retail giants, we had serious difficulties obtaining the leading brand name jeans. The traditional department stores demanded that the manufacturer not sell to us unless we would agree to maintain a certain minimum price. Because they didn't want to lose the business of their biggest customers, that jeans manufacturer acquiesced in the demands of the department stores—at least until our lawyers told them that they were violating the rule against vertical price fixing.

So I know first hand the dangers to competition and discounting of permitting the practice of vertical price fixing. But we don't need to rely on my own experience. For nearly 40 years until 1975 when Congress passed the Consumer Goods Pricing Act, Federal law permitted States to enact so-called ''fair trade'' laws legalizing vertical price fixing. Studies the Department of Justice conducted in the late 1960s indicated that prices were between 18–27 percent higher in the states that allowed vertical price fixing than the states that had not passed such ''fair trade'' laws, costing consumers at least $2.1 billion per year at that time.

Given the tremendous economic growth in the intervening decades, the likely harm to consumers if vertical price fixing were permitted is even greater today. In his dissenting opinion in the Leegin case, Justice Breyer estimated that if only 10 percent of manufacturers engaged in vertical price fixing, the volume of commerce affected today would be $300 billion dollars, translating into retail bills that would average $750 to $ 1,000 dollars higher for the average family of four every year.

Defenders of the Leegin decision argue that today's giant retailers such as Wal-Mart, Best Buy or Target can ''take care of themselves'' and have sufficient market power to fight manufacturer efforts to impose retail prices. Whatever the merits of that argument, I am particularly worried about the effect of this new rule permitting minimum vertical price fixing on the next generation of discount retailers. If new discount retailers can be prevented from selling products at a discount at the behest of an established retailer worried about the competition, we will imperil an essential element of retail competition so beneficial to consumers.

In overturning the per se ban on vertical price fixing, the Supreme Court in Leegin announced this practice should instead be evaluated under what is known as the ''rule of reason.'' Under the rule of reason, a business practice is illegal only if it imposes an ''unreasonable'' restraint on competition. The burden is on the party challenging the practice to prove in court that the anti-competitive effects of the practice outweigh its justifications. In the words of the Supreme Court, the party challenging the practice must establish the restraint's ''history, nature and effect.'' Whether the businesses involved possess market power ''is a further, significant consideration'' under the rule of reason.

In short, establishing that any specific example of vertical price fixing violates the rule of reason is an onerous and difficult burden for a plaintiff in an antitrust case. Parties complaining about vertical price fixing are likely to be small discount stores with limited resources to engage in lengthy and complicated antitrust litigation. These plaintiffs are unlikely to possess the facts necessary to make the extensive showing necessary to prove a case under the ''rule of reason.'' In the words of FTC Commissioner Pamela Jones Harbour, applying the rule of reason to vertical price fixing ''is a virtual euphemism for per se legality.''

In July, our Antitrust Subcommittee conducted an extensive hearing into the Leegin decision and the likely effects of abolishing the ban on vertical price fixing. Both former FTC Chairman Robert Pitofsky and current FTC Commissioner Harbour strongly endorsed restoring the ban on vertical price fixing. Marcy Syms, CEO of the Syms discount clothing stores, did so as well, citing the likely dangers to the ability of discounters such as Syms to survive after abolition of the rule against vertical price fixing. Ms. Syms also stated that ''it would be very unlikely for her to bring an antitrust suit'' challenging vertical price fixing under the rule of reason because her company ''would not have the resources, knowledge or a strong enough position in the market place to make such action prudent.'' Our examination of this issue has produced compelling evidence for the continued necessity of a ban on vertical price fixing to protect discounting and low prices for consumers.

The Discount Pricing Consumer Protection Act will accomplish this goal. My legislation is quite simple and direct. It would simply add one sentence to Section 1 of the Sherman Act—the basic provision addressing combinations in restraint of trade—a statement that any agreement with a retailer, wholesaler or distributor setting a price below which a product or service cannot be sold violates the law. No balancing or protracted legal proceedings will be necessary. Should a manufacturer enter into such an agreement it will unquestionably violate antitrust law. The uncertainty and legal impediments to antitrust enforcement of vertical price fixing will be replaced by simple and clear legal rule—a legal rule that will promote low prices and discount competition to the benefit of consumers every day.

In the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both ''big box'' stores and on the Internet. Our legislation will correct the Supreme Court's abrupt change to antitrust law, and will ensure that today's vibrant competitive retail marketplace and the savings gained by American consumers from discounting will not be jeopardized by the abolition of the ban on vertical price fixing. I urge my colleagues to support this bill.

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. 2261

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 ''Discount Pricing Consumer Protection Act''.

SEC. 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) From 1911 in the *Dr. Miles* decision until June 2007 in the *Leegin* decision, the Supreme Court had ruled that the Sherman Act forbid in all circumstances the practice of a manufacturer setting a minimum price below which any retailer, wholesaler or distributor could not sell the manufacturer's product (the practice of ''resale price maintenance'' or ''vertical price fixing'').

(2) The rule of per se illegality forbidding resale price maintenance promoted price competition and the practice of discounting all to the substantial benefit of consumers and the health of the economy.

(3) Many economic studies showed that the rule against resale price maintenance led to lower prices and promoted consumer welfare.

(4) Abandoning the rule against resale price maintenance will likely lead to higher prices paid by consumers and substantially harms the ability of discount retail stores to compete. For 40 years prior to 1975, Federal law permitted states to enact so-called ''fair trade'' laws allowing vertical price fixing. Studies conducted by the Department of Justice in the late 1960s indicated that retail

prices were between 18 and 27 percent higher in states that allowed vertical price fixing than those that did not. Likewise, a 1983 study by the Bureau of Economics of the Federal Trade Commission found that, in most cases, resale price maintenance increased the prices of products sold.

(5) The 5–4 decision of the Supreme Court majority in *Leegin* incorrectly interpreted the Sherman Act and improperly disregarded 96 years of antitrust law precedent in overturning the per se rule against resale price maintenance.

(b) PURPOSES.—The purposes of this Act are—

(1) to correct the Supreme Court's mistaken interpretation of the Sherman Act in the *Leegin* decision; and

(2) to restore the rule that agreements between manufacturers and retailers, distributors or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

SEC. 3. PROHIBITION ON VERTICAL PRICE FIXING.

(a) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: ''Any contract, combination, conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

By Mr. DOMENICI (for himself and Mrs. CLINTON):

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce the Preserve America and Save America's Treasures Act to formally authorize two important historic preservation programs—the Preserve America Program and the Save America's Treasures Program. I am pleased to be joined in this effort my colleague from New York, Senator CLINTON.

Both the Preserve America Program and the Save America's Treasures Program have demonstrated significant success nationwide. However, both administration programs have relied solely on the will of the appropriations process and currently lack the long-term stability provided by formal authorization. This bill would authorize these two important programs and provide for the protection of America's heritage for years to come.

The Preserve America initiative was announced by First Lady Laura Bush on March 3, 2003, and established by Executive Order 13287. The initiative was developed in cooperation with a number of Federal agency partners to encourage and support community efforts for the preservation and enjoyment of our priceless cultural and natural heritage. Since 2003, 549 cities in all 50 States have been designated Preserve America Communities, and 140 of the Preserve America Communities have received a combined total of $10 million to develop sustainable resource management strategies and sound business practices for the continued preservation and use of heritage assets.

The Save America's Treasures program began during the Clinton administration as a national effort to protect our Nation's threatened cultural treasures, including historic structures, collections, works of art, maps and journals that document our heritage and to highlight and preserve the history and culture of the U.S. The program was established by Executive Order 13072 in February 1998. Save America's Treasures was originally created as the centerpiece of the White House National Millennium Commemoration, and as a public-private partnership that included the White House, the National Park Service and the National Trust for Historic Preservation. From 1998 through 2006, over $300 million in Federal and private funding has been awarded for over 1,000 grants.

While both programs are nationwide in scope, I want to highlight the fact that the Preserve America and Save America's Treasures programs have also been very successful in my home State. Las Vegas and Silver City, NM, have been designated Preserve America communities, and 15 Save America's Treasures grants worth nearly 5 million dollars have been awarded over the years to entities throughout the State of New Mexico for various historic preservation projects. From the Palace of the Governor's Collections in Santa Fe to the Lincoln Historic District, where the outlaw Billy the Kid participated in the Lincoln County War, these programs have proved invaluable to preserving the rich heritage of New Mexico.

I am proud to offer this bill to authorize these two important historic preservation programs. I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.

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. 2262

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Preserve America and Save America's Treasures Act''.

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

Sec. 1. Short title; table of contents.
TITLE I—PRESERVE AMERICA PROGRAM
Sec. 101. Purpose.
Sec. 102. Definitions.
Sec. 103. Establishment.
Sec. 104. Designation of Preserve America Communities.
Sec. 105. Regulations.
Sec. 106. Authorization of appropriations.
TITLE II—SAVE AMERICA'S TREASURES PROGRAM
Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Establishment.
Sec. 204. Regulations.
Sec. 205. Authorization of appropriations.

TITLE I—PRESERVE AMERICA PROGRAM

SEC. 101. PURPOSE.

The purpose of this title is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

SEC. 102. DEFINITIONS.

In this title:

(1) COUNCIL.—The term ''Council'' means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term ''heritage tourism'' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term ''program'' means the Preserve America Program established under section 103(a).

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

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, shall provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 104), Indian tribes, communities designated as Preserve America Communities under section 104, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this title:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A marketing project that promotes and enhances the visitor experience to a community.

(E) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(F) A project to support heritage tourism in a Preserve America Community designated under section 104.

(2) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the

list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that the non-Federal share for an eligible project required under paragraph (1) shall be available for expenditure before a grant is provided to the eligible project under the program.

SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMUNITIES.

(a) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) CRITERIA.—To be designated as a Preserve America Community under the program a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary—

(1) protect and celebrate the heritage of the community, tribal area, or neighborhood;

(2) use the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization;

(3) encourage people to experience and appreciate local historic resources through education and heritage tourism programs; and

(4) meet any other criteria required by the Council.

(c) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

SEC. 105. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—SAVE AMERICA'S TREASURES PROGRAM

SEC. 201. PURPOSE.

The purpose of this title is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities.

SEC. 202. DEFINITIONS.

In this title:

(1) COLLECTION.—The term ''collection'' means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term ''historic property'' has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term ''nationally significant'' means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term ''program'' means the Save America's Treasures Program established under section 203(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 203. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under section 205 shall be used by the Secretary, in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities, subject to subsection (f)(1)(B), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(b) DETERMINATION OF GRANTS.—Of the amounts made available for grants under section 205, not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under subsection (e).

(c) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(d) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(1) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under paragraph (1)(A) shall be made in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the National Trust for Historic Preservation, or the Institute of Museum and Library Services, as appropriate.

(3) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed in the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(e) SELECTION CRITERIA FOR GRANTS.—

(1) IN GENERAL.—The Secretary shall not provide a grant under this title to a project for an eligible collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(f) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(1) CONSULTATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall consult with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on Arts and Humanities in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(B) LIMITATION.—If an entity described in subparagraph (A) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that subparagraph and subsection (a).

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

SEC. 204. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, I am proud to join Senator DOMENICI to introduce the Preserve America and Save America's Treasures Act. This legislation will formally authorize Save

America's Treasures and Preserve America for the first time.

Nearly 10 years ago, I helped create Save America's Treasures to preserve and promote historic sites and artifacts across our country. On February 2, 1998, President Clinton established Save America's Treasures by Executive Order 13072. Save America's Treasures was originally founded as the centerpiece of the White House National Millennium Commemoration and as a public-private partnership that included the White House, the National Park Service, and the National Trust for Historic Preservation.

Save America's Treasures was envisioned as a 2-year commemorative project that would illuminate the problem of our neglected heritage and inspire Americans to help save the important treasures in their own communities. Almost 10 years later and Save America's Treasures is still going strong. This model public-private partnership has provided critical support of bricks and mortar preservation projects in every State and territory. These sites include such icons as the Star Spangled Banner, the Old North Church, Mesa Verde, Valley Forge and the last remaining architectural model of the World Trade Center. The list also includes the Founding Father's Papers, the Acoma Pueblo, President Lincoln's Cottage, and the Sewall Belmont House.

To help ensure that future generations will have an opportunity to experience our past and understand our identity as a community and as a nation, Save America's Treasure's has educated the public on preservation problems facing the buildings, sites, monuments, objects and documents that represent America's diverse cultural legacy, and it has supported preservation of historic collections and properties.

The program also supports and advances the purposes and policies of the national historic preservation program set forth by the Congress in the National Historic Preservation Act of 1966.

The President and First Lady Bush have continued to keep the historic preservation effort alive in America. President Bush announced the Preserve America initiative through Executive Order 13287 on March 3, 2003 to promote the preservation of America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties.

Through the Preserve America initiative, Americans gain greater knowledge about our Nation's past, strengthened regional identities, increased local participation in preserving the country's cultural and natural heritage assets, and support for the economic vitality of our communities.

The legislation that Senator DOMENICI and I have introduced will formally authorize Preserve America and Save America's Treasures. Both of these programs have relied solely on the will of the appropriations process and lack the long-term viability provided by formal authorization. Both programs have demonstrated significant on-the-ground-results and are clearly worthy of authorized legislation to institutionalize them for future generations.

Our legislation will authorize a competitive Save America's Treasures grant program within the National Park Service in partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, and the President's Committee on the Arts and the Humanities.

It will also authorize a competitive Preserve America grant program within the Department of the Interior in cooperation with the Advisory Council on Historic Preservation and other Federal agencies.

I am proud to be an original cosponsor of this legislation that will help ensure that future generations will have an opportunity to experience our past and understand the identity of our Nation. I thank Senator DOMENICI for his leadership, and I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.●

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 360—OFFERING CONDOLENCES REGARDING THE TRAGIC FIRE IN OCEAN ISLE BEACH, NORTH CAROLINA, WHICH KILLED 6 UNIVERSITY OF SOUTH CAROLINA STUDENTS AND 1 STUDENT FROM CLEMSON UNIVERSITY ON OCTOBER 28, 2007.

Mr. DEMINT (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 360

Resolved, That the Senate offers its heartfelt condolences to the victims and their families regarding the tragic fire on October 28, 2007, in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University, and to the students, faculty, administration, and staff and their families who have been deeply affected by these tragic events.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

SEC. 224. PROHIBITION OF FEDERAL SUBSIDIES FOR FOOD AND BEVERAGE SERVICE.

Federal funds may not be used by the National Railroad Passenger Corporation to subsidize food and beverage service on Amtrak trains until Amtrak is in compliance with section 24305(c)(4) of title 49, United States Code.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 6, 2007, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on whether domestic energy industry will have the available workforce—crafts and professional—to meet our Nation's growing energy needs and if gaps exist, what policies the Congress should take to address these gaps.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rosemarie_calabro@energy.senate.gov.

For further information, please contact Jonathan Epstein at (202) 228–3031 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 13, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on The Surface Mining Control and Reclamation Act of 1977: Policy Issues Thirty Years Later.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to gina_weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at (202) 224–5684.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 1, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office

Building in order to conduct an oversight hearing on the Impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri River.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, October 30, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

During the Executive Session, Committee members will markup the following agenda items: S. 2045, Consumer Product Safety Commission (CPSC) Reform Act of 2007; S. 2096, Do-Not-Call Improvement Act of 2007; S. 1580, the Coral Reef Conservation Amendments Act of 2007; S. 1853, Community Broadband Act of 2007; S. 1675, Local Community Radio Act of 2007; H. Con. Res. 225, Honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities; and the nomination of Mr. Todd J. Zinser, Inspector General—Designate, United States Department of Commerce (PN 908)

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 30, 2007, at 2:30 p.m. in order to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled ''Protecting the U.S. From Drug Resistant Tuberculosis: Reinvesting in Control and New Tools Research'' during the session of the Senate on Tuesday, October 30, 2007 at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 30, 2007, at 9:30 a.m. in order to conduct a hearing entitled ''The Role of Local Law Enforcement in Countering Violent Islamist Extremism.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 30, 2007 at 2:30 p.m. in order to hold a closed hearing.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Section 2 (b) of Public Law 98–183, as amended by Public Law 103–419, appoints Gail Heriot, of California, to the United States Commission on Civil Rights, for a term of 6 years.

ORDER FOR STAR PRINT—SENATE REPORT 110–208

Mr. DURBIN. Mr. President, I ask unanimous consent that Senate Report 110–208 be star printed with the changes at the desk.

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

CONDOLENCES REGARDING THE TRAGIC FIRE IN OCEAN ISLE BEACH, NORTH CAROLINA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to consideration of S. Res. 360, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 360) offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina which killed 6 University of South Carolina students and 1 student from Clemson University on October 28, 2007.

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

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table.

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

The resolution (S. Res. 360) was agreed to, as follows:

S. RES. 360

Resolved, That the Senate offers its heartfelt condolences to the victims and their families regarding the tragic fire on October 28, 2007, in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University, and to the students, faculty, administration, and staff and their families who have been deeply affected by these tragic events.

EXTENDING ELIGIBILITY FOR ESSENTIAL AIR SERVICE

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 2265, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. 2265) to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

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

Mr. DURBIN. Mr. President, I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 2265) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2265

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

SECTION 1. ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—Subsection (d) of section 409 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under subsection (c) of section 409 of such Act that was in effect on such date.

ANDREW LAROCHELLE GOD, FAMILY AND COUNTRY ACT OF 2007

The PRESIDING OFFICER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 430, S. 2198.

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

The legislative clerk read as follows:

A bill (S. 2198) to require the Architect of the Capitol to permit acknowledgment of God on flag certificates.

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

Mr. DURBIN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 2198) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2198

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 ''The Andrew Larochelle God, Family, and Country Act of 2007''.

SEC. 2. FLAG CERTIFICATES ISSUED BY THE ARCHITECT OF THE CAPITOL.

The Architect of the Capitol shall permit the acknowledgment of God on flag certificates that are issued at the request of a Member of the United States House of Representatives or of the United States Senate.

MEASURES READ THE FIRST TIME—S. 2264 AND H.R. 2295 EN BLOC

Mr. DURBIN. Mr. President, I understand that two bills are at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2264) a bill to amend the Internal Revenue Code of 1986 to extend for two years the tax-free distributions from individual retirement plans for charitable purposes.

A resolution (H.R. 2295) to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

Mr. DURBIN. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 31, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes it business today, it stand adjourned until 12 noon, Wednesday, October 31; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with Senators permitted to speak therein for up to 10 minutes each, and the time be equally divided and controlled with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 3963, the children's health insurance legislation.

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

ADJOURNMENT UNTIL TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Wednesday, October 31, 2007, at 12 noon.

EXTENSIONS OF REMARKS

IN RECOGNITION OF MAJOR GENERAL MARK A. GRAHAM

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. LAMBORN. Madam Speaker, I rise today in recognition of Major General Mark A. Graham who became Commanding General of First Army Division West and Fort Carson on September 14, 2007.

Major General Graham, who entered the Army in 1977 upon his graduation from Murray State University as a graduate of the Army Reserve Officer Training Corps, holds a bachelors degree from Murray State University, a Masters in Business Administration from Oklahoma City University, and a Masters of Science from National Defense University. Major General Graham is also a graduate of Field Artillery Officer Basic and Advanced Courses, United States Army Command and General Staff College, and National War College.

After attending United States Army Command and General Staff College in Fort Leavenworth, Kansas in 1990, Major General Graham served in Operations Desert Shield and Desert Storm. In 2000, Major General Graham was appointed Commander, 3rd Battlefield Coordination Detachment in Korea and went on to serve as Executive Officer to the Commander-in-Chief, United Nations Command/Combined Forces Command/United States Forces Korea until July of 2003. Following this position, Major General Graham served as Chief of Staff for the United States Army Field Artillery Center and Fort Sill at Fort Sill, Oklahoma and later as Deputy Commander and Assistant Commandant of the United States Army Field Artillery Center and School at Fort Sill. Most recently, Major General Graham was the Deputy Commanding General, Fifth United States Army at Fort Sam Houston in Texas.

During his distinguished career, Major General Graham has received numerous decorations including the Defense Superior Service Medal, a Bronze Star, a Meritorious Service Medal with six Oak Leaf Clusters, a Joint Service Commendation, and an Army Commendation Medal with four Oak Leaf Clusters. It is an honor to welcome him to Fort Carson and the Fifth Congressional District of Colorado.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

SPEECH OF

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. SMITH of Nebraska. Madam Speaker, National Chemistry Week recognizes the importance of chemistry to our modem society. Chemistry is vital to the economy and the success of the Third District of Nebraska. Nebraska is known for its food, fiber, and fuel industries—all of which rely on chemistry. Production of ethanol from corn and biomass, manufacture of biodiesel, and creation of safe and effective agricultural chemicals are all possible because of chemistry and chemists.

More chemists are needed to continue these innovations that are so important to our rural economy. We have bright, young people in the Third District known for their great work ethic and Nebraska values, and who are sought after for jobs all over the world. We need to encourage our young people to succeed in careers in science, technology, engineering, and mathematics, also known as STEM careers. They are needed in Nebraska and all over the United States. More outreach is needed to encourage the next generation to consider chemistry and other STEM careers.

Students in chemistry clubs in Nebraska's Third District will perform outreach activities during National Chemistry Week. Students at Hastings College in Hastings, Nebraska, will give away ice cream and information on chemistry at the Student Union this week. The Chemistry Club at the University of Nebraska-Kearney will have a ''Chemistry in Action'' demonstration table in the Student Union and will visit area middle and elementary schools where they will perform experiments for students, including ''pink slime'' and liquid nitrogen demonstrations. I want to commend these budding chemists for reaching out to their fellow students and for introducing children to the joys of chemistry. That is what National Chemistry Week is all about.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mrs. DAVIS of California. Madam Speaker, I was on a leave of absence on October 25, 2007 due to the San Diego wildfires. The following list describes how I would have voted had I been in attendance.

Rollcall No. 1001: Motion to Adjourn—''nay''; rollcall No. 1002: Motion to Adjourn—''nay''; rollcall No. 1003: On the House Now Considering H. Res. 774—''yea''; rollcall No. 1004: Tabling motion to reconsider—''yea''; rollcall No. 1005: Motion to Adjourn—''nay''; rollcall No. 1006: Ordering the Previous Question—''yea''; rollcall No. 1007: Agreeing to the rule providing for consideration of H.R. 3963—''yea''; rollcall No. 1008: Motion to Recommit with Instructions—''nay''; rollcall No. 1009: Passage of the Children's Health Insurance Program Reauthorization Act, H.R. 3963—''yea.''

HONORING THE CHILD ADVOCACY CENTER OF GENESEE COUNTY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize the wonderful work achieved by the Child Advocacy Center of Genesee County. The Child Advocacy Center will honor its volunteers and supporters at a dinner on November 2nd in Grand Blanc Michigan.

During the 1980s the Child Advocacy Center idea was developed to provide a safe haven for the victims of child sexual abuse. After the State of Michigan published a ''Model Child Abuse Protocol-Coordinated Investigative Team Approach'' in the 1990s as a guide to local communities, the idea of the Genesee County Child Advocacy Center was born. A concept paper was submitted to the Ruth Mott Foundation in 2001. The concept became a proposal and in 2005 the Center was fully functional. Using forensic interviewing techniques specifically designed for children, the Center coordinates representatives from child protection, law enforcement, prosecution, mental health and family court. The coordination puts the needs of the victim first and endeavors to enhance the safety and well-being of the children.

On Friday, November 2nd the Genesee County Child Advocacy Center will honor the persons in our community that have gone the extra mile to help the victims of child sexual and physical abuse. These individuals will come from the segments of the law enforcement and social services agencies that are the front lines in the fight against abuse. The winners of the ''Our Stars'' awards will be announced that evening.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the work of the Child Advocacy Center and their partners. I am grateful for their service to our community. In a perfect world we would not need their services, but we do not live in a perfect world and we are fortunate to have these individuals step forward and strive to help and heal our most precious resource, our children.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF GENERAL C. ROBERT KEHLER

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. LAMBORN. Madam Speaker, I rise today to congratulate General C. Robert Kehler being promoted General and becoming Commander of the Air Force Space Command at Peterson Air Force Base.

Prior to assuming command of AFSPC, General Kehler served as the Deputy Commander for U.S. Strategic Command at Offutt Air Force Base in Nebraska. Entering the Air Force in 1975 upon his graduation from Pennsylvania State University as a distinguished graduate of the Air Force Reserve Officer Training Corps, General Kehler went on to graduate from missile operational readiness training. This area of expertise has enabled him to serve in various roles from missile crew, to instructor, to evaluator and in wing-level staff positions.

After completing an Air Staff Internship and tour at Strategic Air Command headquarters, General Kehler served in the Office of Legislative Liaison of the Secretary of the Air Force, a capacity in which he was the expert on Capitol Hill for issues regarding the ICBM Modernization Program. While serving on the Joint Staff, General Kehler aided in the overhaul of the nuclear war plan structure and targeting. In addition to his recent position as Director of National Security Space Integration for the Office of the Under Secretary of the Air Force, General Kehler was also the Deputy Director of Operations at Air Force Space Command at Peterson where he was Commander of the 21st Space Wing.

It is a pleasure to welcome General Kehler back to Colorado. I know that AFSPC will benefit tremendously from his capable leadership.

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION AUTHORIZATION ACT

SPEECH OF

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. SMITH of Nebraska. Mr. Speaker, I want to thank the House Committee on Natural Resources Chairman RAHALL, Ranking Member YOUNG, Subcommittee Chairwoman NAPOLITANO, Subcommittee Ranking Member MCMORRIS RODGERS and all of the staff for their work on the Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act.

It is encouraging to see this longstanding issue finally reach a settlement. After years of study and review by the states, Federal Government, water users, land owners, and other interested parties, the time has come to resolve this matter once and for all.

I cosponsored this legislation as part of the consensus to recognize the reality of the challenges before us with collective decision-making and cooperation. However, this agreement does impact some of our farmers and ranchers, and we must continue to be cognizant of the impact of the Endangered Species Act. As we move forward with the implementation of the Program, positive and negative economic impacts must be assessed and considered in order to minimize adverse effects of the recovery efforts.

I support moving forward with this legislation as the first step of many to protect and recover species and provide long-term water use for our communities.

PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. REYES. Madam Speaker, I rise in strong support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007.

For the past several months, Congress has debated an issue that should not be considered controversial—the healthcare of our Nation's most vulnerable children. The reauthorization of the State Children's Health Insurance Program, SCHIP, is vitally important for the Nation and particularly my district of El Paso, Texas, where currently, over 14,000 children in El Paso County are enrolled in the program.

In El Paso, with thousands of children who rely on SCHIP for a scheduled checkup or to receive items like eyeglasses and prescription drugs, this program is critically important. Health care is extremely expensive, and SCHIP is not only vital to children and families, but is important to our health care infrastructure overall. Our health care delivery system in the border region and across the country is already challenged as it is. Cutting SCHIP funding would only result in a greater burden on our hospitals. Without access to doctors for regular checkups and routine appointments, families would potentially wait until health problems reach catastrophic level and then seek care at the local emergency room. This is dangerous for children and families, and would also result in a much more expensive form of health care delivery.

Today's bill reauthorizes SCHIP for 5 years while providing health care coverage for 10 million of our Nation's children. The bill does not expand coverage; rather it allows those currently eligible, but uninsured, the opportunity to enroll. Two-thirds of uninsured children are currently eligible for coverage through SCHIP or Medicaid, and today's bill provides the funding necessary to administer proper outreach to those qualified for the program.

I applaud Mr. DINGELL and Mr. RANGEL for their leadership in reaching an agreement that included some of the concerns voiced by Republicans who originally voted against the legislation.

The health and quality of life of our children must be a priority, and I firmly believe that this bill addresses the need to provide quality healthcare to our Nation's uninsured children. This legislation received strong bipartisan support in the House, and I call on President Bush to stop playing political games with our children's healthcare.

I urge my colleagues to vote in favor of this bill.

THEODORE L. NEWTON, JR. AND GEORGE F. AZRAK BORDER PATROL STATION

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. ISSA. Madam Speaker, ''We cannot dedicate . . . we cannot consecrate . . . we cannot hallow . . . this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.''

The words of Abraham Lincoln hold as much meaning today as they did when he spoke to them in Gettysburg in 1863. Today we remember two men who gave their lives for our protection. Border Patrol agents Theodore L. Newton, Jr., and George F. Azrak, are 2 of the 104 Customs and Border Patrol agents who have been killed in the line of duty.

Madam Speaker, today we will have the opportunity to honor the lives of two brave public servants when we vote to designate the United States Border Patrol Station in Murrieta, CA, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station.''

Border Patrol agents Newton and Azrak selflessly gave their lives in the line of duty. During their patrol on the morning of June 17, 1967, Agents Newton and Azrak stopped an old military ambulance at a checkpoint, and inside the vehicle, they found 800 pounds of marijuana. There were two men in the ambulance and two in a car following behind, all were convicted felons and all were well armed. The four armed men overpowered the two agents and forced them to drive to a remote cabin where they handcuffed and murdered Agents Newton and Azrak. Over 400 law enforcement agents and volunteers searched the remote terrain for 2 days before the agents were finally found.

The murders of Agents Newton and Azrak prompted the Border Patrol to adopt new safety measures—including increasing manpower, adopting more up-to-date technology and implementing a new policy requiring at least three agents and a backup unit to work at each checkpoint—to ensure that this terrible incident would not be repeated.

United States Customs and Border Patrol agents have a long history of working thanklessly to make our country safer. Every day they protect our borders against terrorism and, when needed, step in to assist in the face of national disasters. Just last week, San Diego area CBP personnel were deployed to assist in wildfire emergency response.

However, it has not been tradition to name Border Patrol stations after people; they are instead named for location. Undoubtedly, the

Newton–Azrak Station will continue to be referred to by its Murrieta location, but its official title will be the "Theodore L. Newton, Jr., and George F. Azrak Border Patrol Station," in honor of the heroes who gave their lives for the safety of others.

As we honor and remember the fallen agents, I would like to thank all of our Border Patrol agents and Customs and Border Protection personnel for their service and commitment to the safety and security of all Americans.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. PENCE. Madam Speaker, I was unable to vote on October 29, 2007. Had I been present, I would have voted in the following manner: rollcall 1010 (On Motion to Suspend the Rules and Pass, as Amended—H.R. 3224)—"nay"; rollcall 1011 (On Motion to Suspend the Rules and Agree, as Amended—H. Res. 573)—"aye"; and rollcall 1012 (On Motion to Suspend the Rules and Agree—H. Res. 747)—"aye."

IN MEMORIAM OF LOUIS S. BLANCATO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. RANGEL Madam Speaker, I rise today to pay tribute to the late Louis S. Blancato—an anesthesiologist, professor, proud World War II veteran, and citizen of the world. In his memory, I introduce his New York Times obituary published on October 25, 2007.

Dr. Blancato practiced and taught medicine, earning over the span of his career illustrious posts as department chair at St. Luke's Hospital and president of the New York State and American Society of Anesthesiologists. He served in the U.S. Army Medical Corps, and maintained a professorship at Columbia University.

He was a lover of his family, country, and Italian-American roots. A native New Yorker, he stepped outside the bounds of his home often, globetrotting in pursuit of good work and good friends.

OBITUARY: LOUIS S. BLANCATO

BLANCATO—Louis S., M.D. On October 23 in Rye, NY. Beloved husband of the late Nancy. Survived by Louis S., Robert, John and Amy and beloved grandchildren Celia and Carly. Also supportive three daughters and son-in-law.

Dr. Blancato was a dedicated practitioner and teacher of medicine with a long and distinguished career as an anesthesiologist. Department Chair at St. Luke's Hospital and President of New York State and American Society of Anesthesiologists are among his many accomplishments. He was also a Professor at Columbia University. He received many awards and inspired many. Dr. Blancato was a graduate of Fordham University and the Flower Fifth Avenue Medical School and a proud World War II veteran of the U.S. Army Medical Corps.

Dr. Blancato's family, country and Italian American heritage were the foundations of his life. A lifelong New Yorker and a citizen of the world through work, travel and many friendships.

A memorial service will be held on Saturday, October 27 at noon in the Osborn Auditorium, 101 Theall Road in Rye. In lieu of flowers the family recommends individuals make a donation to a charity of their choice in the name of Dr. Louis S. Blancato.

RECOGNIZING AND COMMENDING EFFORTS TO RAISE AWARENESS ABOUT AND HELP END THE WORSENING HUMANITARIAN CRISIS AND GENOCIDE IN DARFUR, SUDAN

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mrs. CAPPS. Mr. Speaker, today I rise in strong support of H. Res. 573, a resolution that recognizes the tremendous efforts put forth by public advocacy groups to raise awareness and help end the worsening crisis in Darfur.

My district is home to many of these advocates, who work tirelessly to inform their neighbors and bring greater attention to this humanitarian emergency. Their work to end the genocide in Darfur is a critical part of our combined effort to stop the violence and the bloodshed that has claimed entire families.

In this time of international conflict, it is so important for us to educate and inform our neighbors about what we can do to help those in need. I am thankful for all of the people in my district who are working toward a peaceful resolution in Darfur. Their dedication to this cause is singular in its commitment, and I am deeply grateful for their contributions.

I urge all of my colleagues to support this important resolution.

TRIBUTE TO THE NORTH CAROLINA BEACH HOUSE FIRE VICTIMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. CLYBURN. Madam Speaker, it is with a heavy heart that I rise to memorialize the lives of Justin Anderson, Travis Cale, Lauren Mahon, Cassidy Pendley, William Rhea, Allison Walden, all students at the University of South Carolina, which I proudly represent here in this body, and Emily Yelton, a student of Clemson University.

Madam Speaker, when young men and women go off to pursue an education, their families hope for them a bright future and a long life. All seven of these young men and women lost their lives in a fire this weekend and I join with those that I represent at the University of South Carolina in offering condolences to these families. And I also say to the families of Clemson University, our heart goes out to all of them.

Madam Speaker, I ask that you and this body join me in a moment of silence in memory of these young people.

PERSONAL EXPLANATION

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. PRICE of Georgia. Madam Speaker, on rollcall No. 1012, I was inadvertently detained. Had I been present, I would have voted "no."

HONORING THE UTTAR PRADESH ASSOCIATION OF GREATER PHILADELPHIA'S DIWALI FESTIVAL CELEBRATION

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. SESTAK. Madam Speaker, I rise today to recognize the Uttar Pradesh Association of Greater Philadelphia for bringing Diwali to Delaware County.

The U.P. Association of Greater Philadelphia is a non-profit organization formed 4 years ago to connect and provide a forum for people from the State of Uttar Pradesh and the surrounding regions in India. The association brings Indian culture to the community, adding to cultural understanding and awareness throughout the region.

One of the group's main events is the celebration of Diwali, the Hindu festival of lights. Diwali is one of the few holidays celebrated throughout India, bringing people together in the spirit of the season. The origin of Diwali is unknown, although there are various legends and customs associated with it.

In Northern India, where Uttar Pradesh is located, Diwali marks the return of Lord Rama after 14 years of exile and his defeat of the demon Ravana of Lanka. This represents the triumph of good over evil and of light over darkness, a theme that is common to Diwali stories from other regions of India.

The UPAGP, along with the Indianica Academy in New Jersey, reenacted the story of Lord Rama on Saturday night, and put on a spectacular cultural program that transcended religion, race, and nation. The message of light as a symbol of knowledge and goodness driving away darkness and ignorance is one we would all benefit from hearing more often.

I ask that everyone join me in commending the UPAGP for bringing Diwali and its message to Upper Darby, Delaware County, and the Greater Philadelphia area, in recognizing its contribution to the community, and in acknowledging the hard work and dedication of its members.

HONORING MINNIE COX

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to introduce legislation designating the United States Post Office located at 100 W. Percy Street in Indianola, MS, as the "Minnie Cox United States Post Office".

Minnie M. Geddings Cox, a graduate of Fisk University, was appointed postmistress of

Indianola, MS, in 1891, by President Benjamin Harrison, and was reappointed by President William McKinley; thereby, becoming the first Black postmistress of the United States.

On January 25, 1900, President McKinley raised the rank of the Indianola Post Office from fourth class to third class and appointed Mrs. Cox for a full 4-year term. However, in the fall of 1902, under the presidency of Theodore Roosevelt, a controversy brought national attention to Mrs. Cox. Jim Crow laws overran Reconstruction in America and whites wanted blacks eliminated from leadership positions. Some of the local whites in Indianola met and drew up a petition requesting Cox's resignation. Increased tension and threats of physical harm caused Cox to submit her resignation to take effect January 1, 1903, and leave Indianola.

President Roosevelt believed Mrs. Cox had been wronged, and that the authority of the Federal Government was being compromised and refused to accept her resignation. Instead, he closed Indianola's post office on January 2, 1903, rerouted the mail to Greenville, MS, 30 miles away and Cox continued to receive her salary. For 4 hours in January 1903, the Indianola postal event was debated on the floor of the United States Senate, and appeared on the front pages of newspapers across the country. One year later, at the expiration of Mrs. Cox's term, in February 1904, the post office was reopened, but demoted in rank from third class to fourth class.

Minnie Cox and her husband Wayne W. Cox, who had been an employee in the railway mail service, returned to Indianola and organized the ''Delta Penny Savings Bank.'' They had been substantial property owners before 1903, and they bought more land and became successful bankers as well. Minnie Cox died in 1933.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. KUCINICH. Madam Speaker, today, I voted for H.R. 3963, which authorizes the State Children's Health Insurance Program, SCHIP. The provisions in the bill would make substantial progress in providing health care for children. It would provide coverage for 3.8 million more children than are covered now and preserve coverage for 6.6 million more. It would help ensure Ohio can expand its program to include an additional 20,000 children. It targets the lowest-income uninsured children for outreach and enrollment, ensures dental coverage and mental health parity.

I voted against a previous version of this bill because it excluded about 600,000 legal immigrants. I voted to raise the issue and show Congress they were wrong to do so. I voted for the veto override to show the President that his objections to government health insurance for low income children were outrageous. Today I voted to make the same statement. I urge him to do the right thing and sign this bill.

I believe all children deserve health care. Unfortunately, today's bill does not do that. It does not even come close. It continues to shun immigrant children in the U.S. who are in full compliance with the law by denying States the option to cover them. It also drastically reduces support for coverage of parents, even though decades of evidence have shown that kids are far more likely to get the care they need if their parents are covered. It bars coverage of illegal immigrants, even if a State determines that it is cheaper and more humane for them to provide routine care than emergency care, which is frequently the case. In short, it sacrifices each of these groups of people as a bargaining chip.

This Congress is spending time and energy arguing over narrowly defined bills that treat a few of the symptoms but fail to address the problems that plague our health care system. Instead, this Congress should deliver the reform America is calling for. We should be moving ahead with H.R. 676, the Expanded and Improved Medicare for All Act, which would lower health care costs, provide coverage for everyone for all medically necessary services, and create a single best standard quality of care. America deserves—and wants—nothing less.

HONORING HISPANIC HERITAGE MONTH

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. CARNAHAN. Madam Speaker, I rise today in honor of Hispanic Heritage Month.

As citizens across America celebrate Hispanic Heritage Month, I wish to recognize the hours of hard work event organizers have contributed in order to provide greater understanding as they share their proud culture.

Especially I am reminded of the sacrifices many have made over the years to community and country.

Today, our armed services continue to rely on the dedication of men and women from Hispanic communities throughout the Midwest and Missouri.

While defending this Nation, and protecting a way of life that offers opportunity to Americans of varying race, they proudly serve.

For all who remain in harm's way today, in order to secure peace at home, we wish them the best, and look forward to their safe return.

CONGRATULATING SCRANTON TOMORROW AND ITS PAST PRESIDENTS ON THE OCCASION OF ITS 15TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Scranton Tomorrow, an organization celebrating its 15th anniversary and whose mission it is to establish the city of Scranton as the premier urban center in northeastern Pennsylvania.

As part of Scranton Tomorrow's celebration, they are honoring their past presidents, who include Monsignor Joseph Quinn, Judge Terrence Nealon, Attorney Barbara Sardella, William Bender, Phil Condron, Glenn Pellino and Carlon Preate.

Scranton Tomorrow has launched several initiatives designed to fulfill its mission including Artspace, City Pride, the Lackawanna Riverfront Revitalization, First Night and support for the Scranton Business Alliance.

Artspace is a project designed to produce affordable space for artists to live, work, perform and conduct business while creating a sustained economic impact for the city of Scranton.

City Pride is an annual cleanup and beautification effort that showcases the extraordinary community pride underlying the effort to make Scranton a visually attractive city.

The Lackawanna Riverfront Revitalization project and the Downtown Heritage Greenway project involve a coalition of major stakeholders, including the Lackawanna Heritage Valley Authority, the Scranton Area Foundation, the Lackawanna River Corridor Association, the Scranton Office of Community and Economic Development, Lackawanna County government, Pennsylvania Department of Conservation and Natural Resources, Greater Scranton Chamber of Commerce, as well as riverfront property owners. The stakeholders are committed to creating a master plan for the revitalization of the river corridor.

First Night is an initiative aimed at celebrating the arrival of the New Year in a safe and family friendly environment that features food, fun and entertainment and brings together the business and residential communities in a festive atmosphere.

The Scranton Business Alliance is a collective of more than 200 city businesses dedicated to improving all aspects of the central business district through solid economic management, strengthening public participation, and making downtown a fun place to visit. By building on the central city business district's inherent assets, rich architecture, a solid infrastructure, a core of financial, government, and human/social service outlets, and a firm sense of place, the Scranton Business Alliance aims to rekindle entrepreneurship, cooperation, and civic concern.

Madam Speaker, please join me in congratulating Scranton Tomorrow and those who have inspired it. Their zeal to return the city of Scranton to a prominent place in the region has captivated the imaginations of Scranton's citizens and has been an important catalyst for the renaissance Scranton is currently enjoying.

ON SCHNEIDER REGIONAL MEDICAL CENTER CEO RODNEY E. MILLER, SR.

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mrs. CHRISTENSEN. Madam Speaker, 5 years ago, the U.S. Virgin Islands, and in particular, the island of St. Thomas and the Schneider Regional Medical Center, welcomed a young, passionate, health care administrator to be its president and chief executive officer. Rodney E. Miller took on the job of ensuring that comprehensive, quality health care was available not just for the residents of the U.S.

Virgin Islands, but for the Caribbean region as well.

By all accounts, Rodney Miller did an excellent job, administering the 250-bed acute care Schneider Hospital, as well as the Charlotte Kimelman Cancer Institute and the Myrah Keating Smith Community Health Center on St. John in a manner that has advanced health care in the territory.

Most noteworthy among his accomplishments was the emphasis on improved patient care and the opening of the Charlotte Kimelman Cancer Institute. With an announced emphasis on quality patient care, enhanced customer service and improved cleanliness of the health facilities, Miller embarked upon a course for change that was driven by the expressed needs of patients. He emphasized that being the only choice for health care for most of the residents of the island meant that quality care was a must. He equally emphasized that Schneider Regional should be a good place for employees as well.

With the opening of the Charlotte Kimelman Cancer Institute in 2006, Rodney Miller and his administrative and medical team worked to realize the dream of many in the territory for a ''world class cancer care facility with an array of support services and resources'' that would allow patients to seek treatment at home, closer to the comfort of family and friends. Rodney Miller's leadership in health care has been marked by this and other noteworthy accomplishments in the territory.

In addition to his duties as head of Schneider Regional, Rodney Miller immersed himself in the civic activities of the community, and in 2004 was named Person of the Year by Rotary II Club of St. Thomas. Just last year, he received the 2006 Wilbur ''Bill'' LaMotta Community Service Award from the St. Thomas-St. John Chamber of Commerce.

His peers in the health care profession have long acknowledged his extraordinary talent. In 2002, he received the Young Healthcare Executive of the Year Award from the National Association of Health Services Executives. In 2003, he received the American College of Healthcare Executives' Regents Award and in 2005, he was elected to serve as president of the National Association of Health Services Executives. In 2006, he was named one of the Top 25 Minority Healthcare Executives by Modem Healthcare Magazine.

Recently, Rodney Miller announced that he has accepted a new position in the Florida health care system. I know that he will distinguish himself there as well, but we in the Virgin Islands wanted to express our thanks to him for the good work that he did in the territory for the past 5 years. On behalf of the people of the Virgin Islands, particularly those on the island of St. Thomas, I wish Rodney Miller bon voyage and great success in his new endeavor. He has definitely left health care in the territory in better shape than when he got there, and for that we are all grateful.

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. FEENEY. Madam Speaker, I would like to express my regret for missing votes on the House floor on Monday, October 22, 2007 and Tuesday, October 23, 2007. I was in my district for the launch of Shuttle STS–120: *Discovery*.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. UDALL of Colorado. Madam Speaker, I was unavoidably detained in returning to Washington, DC, on Monday, October 29th and so was not present for 3 votes. If I had been present, I would have voted as follows:

(1) H.R. 3224—Dam Rehabilitation and Repair Act of 2007—I would have voted ''yea'' on this excellent bill by our Colorado colleague, Representative JOHN SALAZAR;

(2) H. Res. 573—Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes—I would have voted ''yea''; and

(3) H. Res. 747—Recognizing the religious and historical significance of the festival of Diwali—I would have voted ''yea.''

PERSONAL EXPLANATION

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. LAMPSON. Madam Speaker, on rollcall No. 1010, 1011, and 1012 on 10/29/07, had I been present, I would have voted ''yea'' on all.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to explain my absence from votes cast on October 29, 2007. I was in Houston yesterday, tending to a family health care issue, and was unavoidably detained.

On rollcall vote No. 1010, to approve H.R. 3224, had I been present, I would have voted ''yea.''

On rollcall vote No. 1011, to approve H. Res. 537, had I been present, I would have voted ''yea.''

On rollcall vote No. 1012, to approve H. Res. 747, had I been present, I would have voted ''yea.''

IN CELEBRATION OF THE BOSTON RED SOX'S 2007 WORLD SERIES VICTORY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. MARKEY. Madam Speaker:

The Red Sox we proudly honor today
For another championship and remarkable play
That's two in four years, all of Beantown ''hurrays!''
It's not the curse, but clutch play, for these kings of Fenway
We hail the team's defense, top-notch in the field
And a mighty potent offense that refuses to yield

From top to bottom, the Sox have shown
Why in baseball's history books they will forever be known
The club led by Henry, Werner, and Lucchino
And don't forget the dream team—Epstein and Tito!

But it's the players who win each big game
And they all belong in baseball's Hall of Fame
Josh Beckett, a baseball legend-in-the-making
He won 4 playoff games, leaving foes with heads shaking
And then there was Schilling, Dice-K, and Lester
With unhittable splitters, the batters they pestered.

Papelbon is the closer night after night
4 saves in the playoffs—to ''the Nation's'' delight
Youkilis at 1st , Mike Lowell the series MVP,
Rookies Pedroia, Okijima and Ellsbury
With Manny & Ortiz, everyone agrees
the Sox are the best, from sea to shining sea
And Jason Varitek we cannot forget
From all in the clubhouse, he commands respect

After 96 wins, the playoffs in full swing
The Angels came calling, but the Sox clipped their wings
Down 3–1 to the Tribe, the Sox won it in seven
Two pennants in 4 years, we were in baseball heaven!

Then the Sox faced the tough Colorado team
Sweeping in just 4, completing the ''possible dream''!
Now the games are all played, the champagne popped and poured
Fire up those duck boats—let's all climb aboard!

Another great season, fans and experts agree
The Sox are the newest baseball dynasty.

IN HONOR OF THE REVEREND MONSIGNOR MICHAEL J. CORONA, PHILLIPSBURG AREA CHAMBER OF COMMERCE OUTSTANDING CITIZEN OF THE YEAR 2007

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in honor of the extraordinary public service of the Reverend Monsignor Michael J. Corona of Phillipsburg, New Jersey. Today, the Phillipsburg Area Chamber of Commerce will recognize his commitment to his community, naming him Outstanding Citizen of the Year for 2007.

Monsignor Corona completed his theological studies at St. Mary's Seminary and University

in Baltimore, Maryland. He also earned a Master of Arts in Education at Seton Hall University in South Orange, New Jersey. He was ordained for the Diocese of Trenton in 1968 and has been pastor of St. Philip and St. James Parish in Phillipsburg, New Jersey since 1979.

Under his guidance, the parish has been active in the community. While activities like their soup kitchen and Thanksgiving food drive feed the bodies of those less fortunate in Phillipsburg; their compassion and love feed their souls. And, the parish elementary school provides a quality education to so many local children.

In addition to his work directly in Phillipsburg, Monsignor Corona spreads his skills and good nature through his work with the Diocese and other Catholic leadership organizations. He is a member of the Diocesan Presbyterial Council and College of Consultors, as well as the Director of Education for the Diocese of Metuchen. He is also the President of the International Catholic Stewardship Council's Board of Directors, an organization dedicated to the proposition that ''all members of our family of faith are called to be Christian stewards and share their gifts of time, talent and treasure in proportion to the blessings they have received from God.''

Monsignor Corona is an integral part of the community of Phillipsburg. I join his neighbors in commending him for his good work, his dedication to the people and particularly the children of Phillipsburg, and his commitment to continually improving this historic city.

IN HONOR DR. ROBERT ABEL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor Dr. Robert Abel's lasting contributions and dedication to the oceans. Dr. Abel's environmental stewardship helped make New Jersey a leader in sustainable ocean and coastal research, policy planning and marine science education.

Sadly, Dr. Abel passed away on October 10th, but he left behind a lasting legacy of support for protection of coastal and ocean resources in New Jersey and the Nation. On October 31st, at the Monmouth University Urban Coast Institute's 3rd Annual Ocean Champion Awards, Dr. Abel will be honored with a State Ocean Leadership Award presented posthumously to his widow, Mrs. Nancy Abel.

Dr. Abel began his distinguished career in government service as a chemical oceanographer with the Woods Hole Oceanographic Institution in Massachusetts. He then served as Staff Oceanographer to the Vice President of the United States from 1960–1967.

Later, he was appointed as the founding Director of the National Sea Grant College Program. During his tenure, Dr. Abel was responsible for transforming the Sea Grant Program. He expanded it to include education-based projects for shore protection, fisheries, aquaculture and environmental protection.

As President of the New Jersey Marine Sciences Consortium, Dr. Abel ensured permanent New Jersey State funding for the Sea Grant Program, guiding the program to receive the Nation's first and only non-university program college status. I had the privilege of serving as a fellow through the program, and have also had fellows serve in my office over the last 20 years, providing me with invaluable counsel on ocean issues.

Dr. Robert Abel was also a diplomat of the ocean. In 1981, he formed the Cooperative Marine Technology Program for the Middle East. He worked together with Israeli, Egyptian, Jordanian and Palestinian scientists, hoping that international environmental stewardship could help strengthen bilateral ties.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the life of Dr. Robert Abel, and extending our sincere condolences and deep appreciation to Mrs. Abel. Dr. Abel's scientific and diplomatic efforts will continue to benefit and inspire my constituents, and his many international colleagues and friends, for years to come.

ED AND MARILYN FITZGERALD: HONORING LIFETIMES OF COMMUNITY SERVICE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Ms. HARMAN. Madam Speaker, during my years in public office, I have had the pleasure of meeting and working with many extraordinary constituents committed to a seemingly endless array of good works and causes. None has served their community more ably and admirably than my dear friends Ed and Marilyn Fitzgerald, recent recipients of the prestigious YMCA ''Good Neighbor'' Award. The Fitzgerald's volunteerism and decades-long service to the needy, to members of the Armed Forces and area veterans, and to the communities of Lomita, Wilmington, and San Pedro—all located in my Congressional District—make them richly deserving of this recognition.

I first met them years ago when their daughter Sharon applied to the Air Force Academy. Sharon received my top recommendation, and attained the rank of Captain before leaving active-duty to be a full-time mother. To this day, Ed and Marilyn are members of my Academy Nominating Committee.

Although technically retired, Ed and Marilyn have never stopped working, and probably log more volunteer hours than most people put in at the office. Whether it is teaching children to read at Taper Avenue School, or distributing food and clothing to the homeless at Beacon Light Mission, the Fitzgeralds do not waver in their efforts to help those less fortunate. Not content to help only with the basics, the couple also organizes movie and museum excursions for kids, whale watching trips, and other activities inner-city kids might not have a chance to experience.

The active military and veterans' communities in Los Angeles County—among the Nation's largest—have also benefited from the Fitzgerald's advocacy. Both volunteer at the Long Beach Veterans Hospital, transporting immobile veterans to and from doctor's appointments, and both devote hours of their time to helping the many veterans, including homeless veterans, in the Harbor Area. They reach beyond helping their neighbors by raising awareness nationally on behalf of America's POWs and MIAs.

And I only recently learned of Marilyn and Ed's fundraising campaign to gather and ship audio-video equipment to our troops in Iraq. Separation during wartime can severely affect morale—a problem the Fitzgeralds believe our soldiers and their families should not have to endure. With Sharon's husband serving in Iraq, this tireless twosome is even working on a better way to correspond with family members stationed overseas.

Madam Speaker, other communities have selfless people like Marilyn and Ed. But I am grateful to them every time we meet. They are true patriots.

ON INTRODUCTION OF GOOD SAMARITAN CLEANUP OF ABANDONED HARDROCK MINES ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am again introducing legislation designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the west.

In the 107th, 108th, and 109th Congresses, I introduced similar bills aimed at that result. Following the bill's first introduction in the 107th Congress, revisions were made to incorporate a number of changes developed in consultation with interested parties, including representatives of the Western Governors' Association, the hardrock mining industry, and environmental groups.

The bill I am introducing today is also the product of further consultations, including with the Environmental Protection Agency. It represents years of effort to reach agreement on establishing a program to advance the cleanup of polluted water from abandoned mines.

The bill is cosponsored by our colleague from New Mexico, Representative PEARCE. I greatly appreciate his support.

THE BACKGROUND

For over one hundred years, miners and prospectors have searched for and developed valuable ''hardrock'' minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products. However, as all westerners know, this history has too often been marked by a series of ''boom'' times followed by a ''bust'' when mines were no longer profitable. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

THE PROBLEMS

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels,

heavy metals leaching into streams killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

OBSTACLES TO CLEANUPS

Right now there are two serious obstacles to progress. One is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. The other obstacle is legal.

While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be ''good Samaritans'' understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the Nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources. In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

WESTERN GOVERNORS WANT ACTION

The Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject, such as the one of June 2004 entitled ''Cleaning Up Abandoned Mines'' sponsored by Governor Bill Owens of Colorado along with Governor Bill Richardson of New Mexico and Governor Kenny Guinn of Nevada.

LEGISLATIVE RESPONSES TO THE OBSTACLES

To respond to the need for funding, I have joined as a cosponsor of H.R. 2262, the ''Hardrock Mining and Reclamation Act of 2007,'' introduced by the distinguished Chairman of the Natural Resources Committee. Representative RAHALL of West Virginia, which has now been ordered reported from that Committee. That legislation will establish a Locatable Minerals Fund to receive royalties and fees related to hardrock mines on Federal lands that, among other things, can be used for the reclamation and restoration of lands and waters adversely affected by past mining on Federal lands.

And the bill I am introducing today responds to a legal obstacle, the potential liability under the Clean Water Act that now deters many would-be ''good Samaritans'' from undertaking efforts to clean up abandoned hardrock mines.

To help the efforts of ''good Samaritans,'' this bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source (''NPDES'') permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control. I think this would encourage efforts to fix problems like those at the Pennsylvania Mine.

The new permit proposed in this bill would help address problems that have frustrated federal and state agencies throughout the country. As population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable. This bill does not address all the concerns some would-be Good Samaritans may have about initiating cleanup projects—and I am committed to continue working to address those additional concerns, through additional legislation and in other ways. But this bill can make a real difference and I think it deserves approval without unnecessary delay.

For the benefit of our colleagues, here is a brief outline of the bill's provisions:

Eligibility for Good Samaritan Permits—Permits could be issued to a person or entity not involved in creation of residue or other conditions resulting from mining at a site within the bill's scope. Any other similar person or entity could be a cooperating party to help with a cleanup.

Sites Covered by the Bill—The bill covers sites of mines and associated facilities in the United States once used for production of a mineral (other than coal) but no longer actively mined, but does not cover sites on the national priority list under Superfund.

Administration—The permits would be issued by the Environmental Protection Agency (EPA) or by a state or tribal government with an approved Clean Water Act permitting program.

Remediation Plans—To obtain a permit, an applicant would have to submit a detailed plan for remediation of the site. After an opportunity for public comments, the EPA or other permitting authority could issue a permit if it determined that implementing the plan would not worsen water quality and could result in improving it toward meeting applicable water quality standards.

Effect of Permit—Compliance with a Good Samaritan permit would constitute compliance with the Clean Water Act, and neither a permit holder nor a cooperating party would be responsible for doing any remediation activities except those specified in the remediation plan. When the cleanup is done, the permit expires, ending the Good Samaritan's responsibility for the project.

Report and Sunset Clause—Nine years after enactment, EPA must report to Congress about the way the bill has been implemented, so Congress can consider whether to renew or modify the legislation, which under the bill will terminate after 10 years.

INTRODUCTION OF THE AMERASIAN PATERNITY RECOGNITION ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, our immigration law has long recognized that children born outside our country to an American father and a foreign national mother are U.S. citizens.

Unfortunately, there remains a group of forgotten sons and daughters who, despite being born to American fathers, have been unfairly denied U.S. citizenship. These are the offspring of American servicemen and Asian women during the Vietnam and Korean Wars whose fathers did not personally take the steps of acknowledging paternity necessary to make their offspring citizens. But, the American government did that for them by acknowledging that their fathers were American citizens.

Many of these individuals have lived through devastation during war, have been mistreated by their governments because of their mixed race, and many now live in the United States, but only as legal permanent residents.

There is no doubt that Amerasians are the sons and daughters of American fathers. Our American government already made that determination when we admitted them to the United States as legal permanent residents.

To correct this unfair inequality in our law, I am introducing the Amerasian Paternity Recognition Act, along with bipartisan cosponsors, to ensure that Amerasians are accorded U.S. citizenship just like the offspring of other American fathers are.

It is time for us to finally close a chapter in our history that has too long denied Amerasians the opportunity to become citizens and be recognized as the Americans that they are.

SUPPORTING THE OBSERVANCE OF BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 2007

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Con. Res. 230, a resolution supporting the observance of Breast Cancer Awareness Month. This resolution provides a special opportunity to increase awareness on the importance of regular self-examinations, as early detection is the key to increasing survival rates.

This is also an occasion on which we can recognize the more than 2.4 million breast cancer survivors and remember those who are no longer with us on account of this deadly disease. This past October, survivors and activists have reminded us why it is so important to support research throughout the entire year to find a cure for breast cancer.

In this country, this disease strikes 1 woman every 3 minutes, and it is the leading cause of death among women ages 45 to 54. The numbers are staggering—we simply must continue to adequately fund research and ensure that services and treatments are accessible to those who need them.

Mr. Speaker, in honor of those who have fought a courageous battle with breast cancer, I ask my colleagues to join me in supporting this resolution.

TRIBUTE TO MOUNT OLIVE AFRICAN METHODIST EPISCOPAL CHURCH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. CLYBURN. Madam Speaker, Mount Olive African Methodist Episcopal Church of Myrtle Beach, South Carolina will commemorate its 100 years of Christian service at a Centennial Anniversary banquet on November 17, 2007.

Mount Olive AME had a very humble beginning. A small group of faithful African American Christians came together in the Myrtle Beach area in the late 1800s and constructed a one-room structure known as the Bush Shelter. It was in this simple building that this group met to worship under the leadership of Reverend Jackson Hemingway.

In 1907, this group joined with other Christians in the area to organize Mount Olive AME Church. Three years later, a new church was built on the site of the old Myrtle Beach High School Baseball Field. Bishop B.F. Lee led the dedication of the new one-room, wood framed church. Reverend H.B. Salters was the leader of the congregation, and later became a bishop in the AME Church as well. Under his leadership, the church also served as a school for local Black children who attended school only six weeks to five months each year.

After a period of significant growth the church moved to a new location on Carver Street. In 1959, the parishioners' dreams of a new sanctuary were realized.

In 1973, the church was expanded to include an education building. The expanded facility enabled Mount Olive AME to host its first annual conference for the AME churches in the Marion District. This new structure also helped the church grow its education mission. One source of great pride are the church's youth programs, which provide Christian fellowship among young people. The year long programs usually culminate with an annual Christian retreat at Allen University in Columbia, South Carolina.

The church has grown other missions including Sunday School, Women's Missionary Society, Sons of Allen youth leadership mentoring, a media ministry which provides video and audio cassettes to the sick and shut-in, and a street ministry to those needing spiritual guidance.

The church also has outreach programs that serve to better the community as well. Members of Mount Olive AME provide assistance to help community members with their housing needs, utility bills, job referrals, drug counseling, voter registration, parenting skills and the church voluntarily stocks a food pantry. Under the dynamic leadership of Reverend Roger I. Washington since 1998, Mount Olive AME continues to uphold the vision of its founders.

Madam Speaker, I invite you and my colleagues to join me in commending Mount Olive AME Church for a century of faithful service. Its members continue to be beacons of hope in Myrtle Beach. They provide compassion and care for not only its members but also the least among them. I congratulate Mount Olive AME for its rich 100 year history, and I look forward to seeing the good works of the church as it continues to grow and serve the Myrtle Beach community.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, on October 29, 2007, I missed the following rollcall votes because I was attending to other congressional matters in my District: rollcall vote No. 1010, passage of H.R. 3224, the Dam Rehabilitation and Repair Act of 2007; rollcall vote No. 1011, passage of H. Res. 573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan; and rollcall vote No. 1012, passage of H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali.

If present, I would have voted "aye" on each measure.

A TRIBUTE TO REVEREND RANDOLPH THOMPSON ON THE OCCASION OF HIS 80TH BIRTHDAY CELEBRATION

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. BUTTERFIELD. Madam Speaker, it is with great admiration and respect that I take this time to recognize a dear family friend and one of this Nation's most distinguished citizens, Reverend Randolph Thompson. On October 28, 2007, the Thompson Family will gather at Sammy's Shrimp Box Restaurant in the Bronx, New York for a very fitting occasion—to celebrate Reverend Thompson's 80th Birthday.

Madam, Speaker, I am honored to rise today to share with my colleagues in the United States House of Representatives the accomplishments of this remarkable man. Reverend Thompson was born in Cat Island, Bahamas on October 28, 1927. He received his early education in the Bahamas. In 1948 Reverend Thompson was licensed to preach at Bethel Baptist Church in Nassau, Bahamas. He was ordained in 1953 at Oak City Baptist Church in Method, North Carolina. In 1954 Reverend Thompson received his B.A. Degree from Shaw University in Raleigh, North Carolina, and in 1957 he received his M.Div Degree from Colgate Rochester Divinity School in Rochester, New York.

As Reverend Thompson traveled about from state to state he remained true to his commitment to be active, productive and dedicated to every facet of his community. He served as Interim Pastor of Pilgrim Baptist Church in St. Paul, Minnesota; Pastor of Victory Baptist Church in the Bronx, New York for 27 years; Director of Baptist Education Center in New York; President of the Nassau Bahamas Association; Chairman of the Committee of the United Missionary Baptist Association in New York; Assistant Dean of Empire State Congress of Christian Education in New York; Instructor of Lott Carey Foreign Mission Convention in New York; Pastor of Jackson Chapel First Baptist Church in Wilson, North Carolina; President of NAACP in Wilson, North Carolina; Vice Chairman of the Housing Committee for the Baptist World Alliance in Miami Florida; Parliamentarian for the Interdenominational Ministerial Alliance of Greater Miami; Dean of J.T. Brown Seminar School for Ministers and Missionary Workers in Ft. Lauderdale, Florida. He also served as Extension School Instructor at Florida Memorial College in Miami, Florida and Bible Expositor with the Baptist Council of Greater Miami.

Madam Speaker, I first met Reverend Thompson during my teen years when he accepted the call to become Pastor of my home church in Wilson, North Carolina, Jackson Chapel First Missionary Baptist Church. Reverend Thompson brought a new vision and perspective to our Church and made a tremendous difference in our community. My father was the Chairman of our Deacon Board and the two men shared a strong bond of love and friendship. When my father many years later became sick while visiting New York City, it was Reverend and Mrs. Thompson who were there during this time of need.

Reverend Thompson has received countless awards for exemplary service to his community. As a testament, the Victory Baptist Church in the Bronx, New York presented Reverend Thompson with a plaque in recognition of 50 years of outstanding service in the ordained ministry and 27 years of service as pastor. He was also presented with a plaque from the Governor General of the Commonwealth of the Bahamas for outstanding service to the community in the tri-state areas of New York, New Jersey and Connecticut.

Madam Speaker, for 51 years Reverend Thompson has been married to the former Bernice Coleman of New York City. Mrs. Thompson is a retired New York City Counselor. Reverend and Mrs. Thompson are the parents of five children: Evania Thompson, Esquire is a Law Librarian who currently teaches at the College of the Bahamas; she and her spouse, Robert Frazier have one son, Khalil Frazier; Danita Thompson, MBA, is a High School Math Teacher in the Bronx, New York and is a graduate of Hampton and Atlanta Universities; Danita is the Co-founder and CEO of Onyx Vizion Production Company; Randolph C. Thompson, Esquire, is a Private Attorney at Law in Washington, DC and New York and is a graduate of Hampton University and Catholic University Law School; Stephen Thompson who is a recent M.A. recipient in the Faculty of Social Sciences is a graduate of Connecticut's Wesleyan College, Hebrew University and is also an aspiring writer; and Ranice Adegbile, a Graduate of Brown and New York Universities is a homemaker; she and her spouse, Oluwole Adegbile have two children, Ayoka and Ayomiku.

I urge my colleagues to join me in recognizing Reverend Randolph Thompson.

TRIBUTE TO MARY BERGAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my good friend Mary Bergan for over 35 years of service to the California Federation of Teachers (CFT), and for her tireless work to protect the rights of teachers and students and promote excellence in education.

From the time I was first elected to the California State Assembly and Mary was chosen Legislative Director of CTA, we have worked together on numerous legislative matters. I have enormous admiration and appreciation for her work. Over and over again in Sacramento and in Washington, I have sought Mary's advice on key educational reform and finance issues.

Mary received her Bachelor of Arts in English from the University of California at Berkeley in 1965, and upon graduation, entered the Peace Corps. She was sent to Tunku Kurshiah College in Serenban Negri Sembilan, Malaysia, to teach English and literature. Upon returning to the United States, she became an English teacher at Hillview Junior High School in Pittsburg, California. She became involved with the local American Federation of Teachers (AFTA) and was elected President. She was such an outstanding teacher and effective union leader that only 3 years later, she was offered a staff position as field organizer with the CFT.

Mary's work in the field of education advocacy is legendary. She represented CFT on various task forces and committees through both the California Department of Education and the Chancellor's Office of the California Community Colleges. She served on the Chapter 2 Advisory Committee, the Advisory Committee on Student Assessment, and task forces on educational finance, credential requirements, school restructuring and higher education reforms. She wrote and secured passage of key legislation ensuring the rights of female students and staff in California schools and colleges. Her incredible effectiveness earned her the admiration and respect of her colleagues.

In 1990, Mary was elected a Vice President of the California Labor Federation, AFL–CIO, and in 1991, was elected CFT President. Through the years, she has held numerous leadership positions with AFT, where she was instrumental in instituting important advances in childhood education and health care reform. Also, during the 1980s, she chaired the California Democratic Party's Labor Caucus and she was a delegate to the Democratic National Conventions in 1976, 1992, 1996, 2000 and 2004.

Madam Speaker, Distinguished Colleagues, I ask you to join me today in saluting Mary Bergan, a champion of teachers' rights and public school education. Her dedication and selflessness are an inspiration to us all.

COMMENDING STAFF SERGEANT JEFFREY CAMACHO AND HIS FAMILY FOR THEIR ASSISTANCE TO SERVICEMEMBERS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize the outstanding service to our community provided by Staff Sergeant Jeffrey Camacho, his wife Erika and their children to wounded United States servicemen and women receiving medical care at Landstuhl Regional Medical Center, Germany.

The Camacho family resides on Ramstein Air Force Base, Germany and has assumed the task of welcoming the servicemen and women from Guam who are receiving medical care at Landstuhl Regional Medical Center. They extend their care to the families of the injured servicemembers and have become a focal point for our Guam community's efforts to provide assistance to our men and women who have been wounded. The Camachos are volunteers at Landstuhl and at Fisher House. They also open their home to the servicemembers and their families. Many times, the families of injured soldiers need a place to feel normal, to share dinner, and to enjoy Chamorro hospitality. Sometimes it is the simplest gestures, such as making kadu or sharing a disc of the latest Chamorro songs that make recuperation easier for the soldiers and their families. The Camacho family, through their gracious hospitality, has touched the lives of so many people from Guam and we want them to know that we appreciate their efforts.

I met with Jeffrey and Erika Camacho last month during a Congressional Delegation visit to Iraq, Afghanistan, and Germany. I was honored to visit with them and to hear their story of their care and compassion for injured servicemembers and their families. Jeffrey and Erika are performing a great service for our country. Recently, they opened their home and provided comfort to the parents of a soldier who was evacuated from Iraq to Germany. I commend them for their care and concern for their fellow Guamanians.

Jeffrey Camacho was born in Agana Heights, Guam and is a 1999 graduate of George Washington High School in Mangilao. He is assigned to the Intelligence Surveillance Reconnaissance Division of the 603rd Air and Space Operations Center at Ramstein Air Force Base, Germany. His wife, Erika Arceo Camacho was born in Tamuning, Guam and graduated from George Washington High School in Mangilao in 1995. The Camachos have two children, Kalena Arceo Camacho, age 9, and Kaleb Camacho, age 3.

Staff Sergeant Jeffrey Camacho and his wife Erika are great Americans whose concern for their fellow citizens and their home island of Guam has led them to open their hearts and their home to the families of our wounded soldiers. The families who have been touched by their graciousness are grateful for their warm hospitality. For our families from Guam, they have provided a home away from home. I commend them for all that they have done and for the sacrifices that they make to help others. They are an inspiration to us all.

A TRIBUTE TO OREGON CATTLEMEN'S ASSOCIATION PRESIDENT SHARON LIVINGSTON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to share with you and my colleagues the story of a remarkable woman and leader from eastern Oregon, Sharon Livingston. Sharon is the President of the Oregon Cattlemen's Association and a tremendous friend to rural America. When this week draws to a close, so too will Sharon's tenure as president. Before that occurs, I want to pay tribute to Sharon for the contributions she has made to an outstanding industry.

Sharon embodies the best in rural Oregon frontier women; she loves the land, she embraces the Oregon ''can do'' spirit, and she values the dignity of everyone she meets. Sharon is a patriot with unflagging pride in her country. She is a great steward of the land, proud of her industry, and intent on doggedly defending the private property rights, water rights, and grazing rights of ranchers. Sharon leads her industry with assertiveness and kindness, always mindful that the American rancher raises the healthiest and highest quality beef in the world. She, like her fellow Oregon beef producers, places a very high priority on providing food of unsurpassed quality for dinning room tables around the world.

Sharon's strong values were established at an early age, having grown up in the small community of Long Creek, OR, where she has lived for more than 60 years. The first three

years of her life were spent living in a 2-room house on her grandmother's homestead. The water source for their house was a spring outside the front door and a path led to the bathroom, That property is still a part of her ranch and she values it far beyond the price it might bring on the open market.

Madam Speaker, in addition to being a lifelong rancher, Sharon Livingston has also been a teacher and a coach, graduating from Eastern Oregon University following 12 years of school in Long Creek. As a teacher and coach, her skills as a trainer and motivator became her strengths as a leader in the ranching industry. She always does her homework, she works hard to understand complex issues, and she is adept at helping others to grasp the need to go in new directions.

When I was in Burns, OR this summer to meet with ranchers who had their grazing land obliterated by devastating wildfires, Sharon was there to offer encouragement and to ensure that the needed relief was on its way. As you can imagine, Madam Speaker, with livelihoods in serious jeopardy, emotions can run high. Sharon was there as a voice of reason and a message of hope. She made a difference. Her straightforward ways, her openness, and her confidence in the future helped immensely to set us all at ease about dealing with the effects of the catastrophic fire.

Her pride in her industry and her community is strong and deep, but she would tell you that her greatest pride and greatest joy is derived from her family. Tragically, she lost her husband, Fred Livingston, to cancer in 1992. Sharon married Fred in 1957. Sharon gives him high praise when she describes Fred as a cowboy, a calf roper, and a fine man.

Sharon and Fred raised three children: Rilla, Clayton, and Fred John (FJ). Rilla and Clayton live in the Pendleton area, and FJ is Sharon's partner on the ranch. Sharon has four grandchildren whom she treasures. Sharon loves her ranch, her cattle, and her horses. She says that her heart swells with pride when her oldest grandson rides and helps with the cattle. She takes great joy and satisfaction seeing yet another generation value the lifestyle that has meant so much to her. She looks forward to the very near future when her twin granddaughters and another grandson learn to ride and rope. You can be sure that Sharon will be there to teach them.

Madam Speaker, I am so proud of my friend, Sharon Livingston. She is a woman of her word and a woman of conviction. You only have to meet Sharon once to know that she has a keen intellect and a caring heart that makes her a natural born leader. I ask my colleagues to join me in saluting this amazing woman who has served so ably as president of the Oregon Cattlemen's Association.

HONORING CHARLES G. WIMSATT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Charles Wimsatt, an outstanding man with a long history of service to our country and to Kentucky. Mr. Wimsatt has been an active member of American Legion Post 121 in Bardstown, Kentucky for nearly 60 years.

Mr. Wimsatt joined the Army in 1953, serving as a medic. He retired from the Army with the rank of Corporal.

Mr. Wimsatt has made it a personal priority to serve his fellow veterans through his work with American Legion Post 121. He is currently in his 4th term as Post Commander. Under his command the post reached its 100 percent membership goal for the first time in 15 years. Mr. Wimsatt also directed recent facility renovations.

Beyond his service to the American Legion, Charles Wimsatt has found time to be active in many other worthy causes. He has played an integral part in fundraising for his local National Guard unit and is currently raising money for a VA medical facility in Germany. Mr. Wimsatt also served on the Black Mud Volunteer Fire Department for 46 years.

It is my privilege to honor Charles G. Wimsatt today, before the entire United States House of Representatives, for his service to our country and his tireless efforts on behalf of American Legion Post 121. Mr. Wimsatt has made a significant difference to his Old Kentucky Home.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, on rollcall No. 1010 on H.R. 3224, 1011 on H. Res. 573, and 1012 on H. Res. 747, I was detained due to traffic and was not able to vote.

Had I been present, I would have voted "yea" on all 3.

ENDORSING THE CALL FOR FAIR, COMPREHENSIVE SENTENCING REFORM IN NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. RANGEL. Madam Speaker, I rise today to add my voice to the many urging New York State—and the country, at large—to reform its sentencing. The New York Times editorial, "Rational Sentencing," published October 25, 2007, takes up that challenge, forcefully arguing that draconian measures enacted over 30 years ago have done nothing to curb drug use. They have, however, maintained an inflated prison population, hamstrung the discretions of judges, and burdened the state with exorbitant cost. A failed system demands creative solutions—and it demands that they come speedily.

It is incumbent upon the state to empower judges and end indeterminate sentencing that allows them to set minimums and maximums but little else. It should deal with nonviolent offenders in a sensible, compassionate manner, offering community-based treatment in lieu of jail time. It should restore prison-based education and training programs, ridding jails of their revolving-door culture and arming inmates with marketable skills. It should create a permanent and independent sentencing commission tasked with advising legislators, so that we may never again devolve into an unfair system.

After decades fraught with injustice, smart and widespread reform is long overdue.

RATIONAL SENTENCING

New York sparked a disastrous national trend during the 1970s with laws that often penalized first-time drug felons more severely than rapists or murderers. Imitated throughout the country, New York's so-called Rockefeller laws drove up the prison population tenfold and cost the states a fortune, but did nothing to curb the drug trade. Worse still, they tied the hands of judges and destroyed countless young lives—by requiring long prison terms in cases where leniency and drug treatment were clearly warranted.

New York has made incremental changes to the Rockefeller laws in recent years, but has stopped short of restoring judicial discretion. Governor Eliot Spitzer seemed to be pushing in that direction this year when he appointed a commission to study the range of state sentencing practices.

The commission's preliminary report contains many valuable recommendations for fixing the sentencing system as a whole. But the superficial treatment given the Rockefeller laws has raised fears among fair-sentencing advocates that the commission intends to duck the issue in its final report, due next spring. That cannot be allowed to happen. Voters deserve a thorough airing of this issue and a full menu of options for reforming the most draconian drug laws the country has yet seen.

The report rightly calls for ending New York's byzantine system of "indeterminate sentencing," under which a judge imposes a minimum and a maximum sentence and the Parole Board decides when to release an offender. It calls for sentencing certain nonviolent offenders to community-based treatment instead of prison. It also recommends restoring prison-based educational and training programs, which have been shown to cut recidivism by giving inmates marketable skills.

Most important, the report calls for the State to establish a permanent, independent sentencing commission to advise legislators. Already working in several states, such commissions have independence and statutory authority. At their best, they help legislatures make rational decisions and avoid disastrous policies that have failed elsewhere, like New York.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 29, 2007, I was unable to cast my votes on H.R. 3224, H. Res. 573, and H. Res. 747 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 1010 on suspending the rules and passing H.R. 3224, the Dam Rehabilitation and Repair Act of 2007, I would have voted "yea."

Had I been present for rollcall No. 1011 on suspending the rules and passing H. Res.

573, Recognizing and commending the efforts of the United States public and advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan, and for other purposes, I would have voted ''yea.''

Had I been present for rollcall No. 1012 on suspending the rules and passing H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali, I would have voted ''yea.''

HONORING THE PORTLAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Portland Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Portland Volunteer Fire Department serves 64 square miles of Sumner County outside the city limits. The department has received three U.S Homeland Department of Security grants.

Without volunteer fire halls, like Portland, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Portland Volunteer Fire Department deserve recognition: Chief Kenny Crowson, Asst. Chief George Knuckols, Captain Richard Lanius, Lt. Jessica Knuckols, Lt. Bobby Wilson, Tony Green, Brent Dyer, Josh Covington, Tav Matthews, Arthur Benjamin, Samantha Roberson, Scott Meece, Lindi Costner, Williams Keen, Russ Caudill, David Roberson, and Jim Youngblood.

IN MEMORY OF JOE CRAPA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. WOLF. Madam Speaker, we were saddened with the news last week that an outstanding public servant had lost his battle with cancer. Joseph R. Crapa was serving as the executive director of the bipartisan U.S. Commission on International Religious Freedom (USCIRF) at the time of his passing on October 25. It was my privilege to know Joe and to work with him and his fellow commissioners and the staff at USCIRF in their dedicated efforts to protecting religious freedom throughout the world.

I would like to share the touching remarks our colleague Rep. DAVID OBEY gave at Joe's funeral on October 29 at St. Peters Catholic Church on Capitol Hill. Joe had served as Congressman OBEY's chief of staff from 1987 to 1997, the last three years as Democratic counsel to the House Appropriations Committee. I also insert for the RECORD a news release from the USCIRF mourning the passing of its executive director.

We express our deepest condolences to Joe's wife of 40 years, Barbara Vaskis Crapa of Alexandria, Virginia; his son Judd, daughter-in-law Gretchen, and grandsons Sebastian and Baird.

REMARKS BY CONGRESSMAN DAVID OBEY—FUNERAL FOR JOSEPH R. CRAPA

Joe Crapa could do just about everything!

He taught high school.

He represented 1,000 teachers in budget negotiations.

He taught college courses in literature, writing, and government.

He was a fundraiser, and outreach director for the congressional Democratic leadership.

He was a key figure in a government relations firm.

He represented three separate government departments in dealing with Congress—Commerce, USAID, and EPA.

Building on his experience growing up in ''rural'' Brooklyn, he served as staff director for a House Agriculture Subcommittee.

He was staff director for two of the ''easiest'' people in Congress to work for—Chuck Schumer and me.

He worked at my side for 10 years.

Finally, he served as Executive Director of the U.S. Commission on International Religious Freedom.

He did all of those jobs well.

He had a superb professional career! But WHAT he accomplished professionally in his life is not nearly as impressive as HOW he did it.

This is a tough and often indifferent town. If you are not alert, it can wear you down. Temptations always abound to cut corners and settle for boilerplate mediocrity. But not Joe!!

Joe was a tough, street smart pol in the best sense of that term, but what epitomized him most of all was his deep understanding of human nature and his unflagging honesty. I cannot tell you how many times he said to me, ''Dave, that's the dumbest idea I've ever heard of.'' And sometimes his language wasn't that sweet. Joe was determined to strip away the irrelevant, the secondary, the trivial, in order to reach the fundamental.

Where did that come from? I think it came from a character and intellect that was expanded and burnished by his exposure to the questions that count by the Jesuits and then as a PhD student in literature, being exposed to the core realities of human experience.

As a practical, operational public man, he—with no guilt—accepted the compromises that are the stock in trade in politics. He understood what Will Rogers meant when he said, ''When two people agree on everything, one of them is unnecessary.'' He understood, as my great Irish friend John Hume once told me, that ''in a democracy politics is a substitute for violence.''

But Joe also had rock hard convictions on a few essentials:

He fiercely believed that the widening gap between the most privileged and the poor is obscene.

He believed, as Bill Moyers has said, that politics ''must be more than who gets what; that it should rise above the merely transactional and become transformational; that it must even the starting gate so that people equal in humanity but not in resources have a reasonable opportunity to pursue a full and decent life.''

He passionately believed that every world citizen had a right to pursue their religious beliefs free from persecution or dictation and he was immensely proud of his relationship at the Commission with those of every philosophical bent, including Frank Wolf, who was similarly passionate.

He believed in a religion of tolerance and respect.

He worried that politicians could trivialize and cheapen religion. He did not believe it was legitimate for politicians to claim God as their own celestial party chairman, as a fellow New Yorker once warned against.

As Barbara pointed out Saturday, he believed that a respectful but separate relationship between church and state was essential to preserve and protect both religion and democracy.

Joe loved his last job, but I will always see him as a superb example of so many on Capitol Hill who never serve in public office, whose name is never on the door, who day in and day out love their country and try to make this a better world.

Because I believe so many of you see Joe the way I see him, I would like to share with you part of a letter I wrote to Joe when he went into the hospital for the last time:

''Joe—Judd was in my office yesterday and told me the latest on your health situation. I wish to God you had received better news. I'm about to leave to catch a plane for Wisconsin, but before I did I wanted to put a few thoughts down on paper so that you know how I feel about you.

When I was first interviewing you to run my office, my first impression in the first 10 minutes we talked was that there was no way in God's green earth that I could ever develop chemistry with this fast talking refugee from Brooklyn. I have been forever grateful that you proved me wrong.

I hope you know how grateful I am for everything you did with and for me. . . . I was blessed to have your energy, know how, insight, judgment, and wisdom. I hate to think how little I would have accomplished without having you beside me during these years.

But even more than that, I appreciate the personal support and friendship you gave me in those years, even down to today. Politics is a tough life and those of us who live it know how exposed and vulnerable we all are.

During these years, you were able to give me sound advice on every front, but the most valuable aspect of your counsel was the fact that underneath it all was a moral core that was true to both you and me. That is a special link between ''brothers'' that I hope we both treasure.

You are a great public servant, a great friend, and a great human being. Thank you for understanding and accepting my weakness and shortcomings and for enhancing my strengths. Please know that there are many, many, many people in this town who feel the same way about you. . .''

And as we say in the House of Representatives, I ask unanimous consent that these sentiments be considered the views of all of you here who knew, respected, and loved him.

USCIRF MOURNS PASSING OF EXECUTIVE DIRECTOR JOSEPH CRAPA

WASHINGTON.—Joseph R. Crapa, the Executive Director of the United States Commission on International Religious Freedom, died Thursday after a struggle with cancer. Mr. Crapa, 63, had led the Commission since 2002.

''Joe had sharp political instincts but a soft personal touch,'' said Michael Cromartie, current Chair of the Commission. ''He had an unwavering, principled commitment to advancing the work of this bipartisan Commission in protecting religious

freedom worldwide. Everyone who knew and worked with Joe found him to be a remarkably committed public servant.''

''We have lost a uniquely talented leader, trusted counselor and beloved friend to each of the Commissioners,'' said Commission Vice Chair Preeta D. Bansal, who served as Commission Chair in 2004–2005. ''I respected tremendously his commitment to the substance of our work and his appreciation for the critical issues at the juncture of religion and foreign policy at this unique period in our history. His sharp political and human instincts and his deep love for humanity were crucial to our work in this sensitive arena. We loved him and will miss him dearly.''

''It was an honor to serve on the Search Committee that recommended Joe Crapa to be the Executive Director of the Commission,'' said Vice Chair Richard D. Land. ''As a Republican appointee, I was most happy to enthusiastically endorse and commend this faithful Democrat who loved America and loved the freedom for which it stands. He was a tireless proponent of religious freedom around the world and was instrumental in making the Commission an extremely effective voice for religious freedom. It was an honor and a privilege to have known him and served with him. All of us who knew him will miss him.''

''Joe Crapa took a newly established Commission, at a crucial time in U.S. history, and, during his tenure, turned it into a respected voice on post–9/11 foreign policy and a source of new research and insights into the influence of religious freedom and related human rights on world affairs,'' said Felice D. Gaer, Chair of the Commission in 2002–2003, when Mr. Crapa joined USCIRF, and in 2006–2007.

''Joe's great love of people and respect for religion transcended all differences. With ebullience and panache, he effectively directed the Commission through a transformative period when the salience of the universal and inalienable right of religious freedom has been demonstrated daily by world events,'' said Nina Shea, who has served as a Commissioner since USCIRF's founding in 1999. ''He will always be an inspiration for me and those who had the privilege of working with him.''

Prior to coming to the Commission, Mr. Crapa served as Chief of Staff to Senator Charles E. Schumer (D–NY). Mr. Crapa spent the four prior years as Assistant Administrator at the U.S. Agency for International Development. He also served as Assistant Secretary at the Department of Agriculture and Associate Administrator at the Environmental Protection Agency, where his portfolio included Congressional Relations and Public Affairs.

For 10 years, Mr. Crapa served as Chief of Staff to Rep. David Obey (D–WI), currently the Chairman of the House Appropriations Committee, and also as counsel to the House Appropriations Committee. He was an Adjunct Professor of Government at Georgetown University (1990–1995) and was a Stennis Fellow of Congress (1995–1997). He also was a Lecturer for the Washington Campus, a consortium of universities where he lectured on Congress and the policy process.

A native of Brooklyn, New York, Mr. Crapa graduated from Cathedral College Preparatory Seminary. He received a B.A. from St. John's University, an M.A. from Duke University, and a Ph.D. at the University of Arizona, where he was a National Defense Teaching Fellow.

The Commission extends its most sincere condolences to Mr. Crapa's wife Barbara, son Judd, daughter-in-law Gretchen, grandsons Sebastian and Baird, and his extended family.

HONORING THE ORLINDA VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Orlinda Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Orlinda Volunteer Fire Department was established in 1973 and today is made up of 20 brave, hardworking men and women. These firefighters also serve as medical first responders.

Without volunteer fire halls, like Orlinda, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Orlinda Volunteer Fire Department deserve recognition: Chief Dusty Johnson Sr. Assistant Chief Nancy Johnson, Captain Dusty Johnson Jr. Captain Charlie Groves, Captain David Spivey, Clay Frey, Justin Barnhill, Bubba Dorris, Nick Poe, Jason Hemper, Ashley Johnson, Amanda Groves, Travis Garman, Mike Brinley, Jason Vanderheyden, Derrick Crossfield, Larry Phillips, Peter Pecori, Tommy Clowers, Judy Barnhill, John Barnhill, Rachael Payne, Paul Jones, Noah Payne, and Daniel Couch.

IN MEMORY OF HOWARD NEWTON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Howard Newton of Dumas, Arkansas, who passed away September 25, 2007, at the age of 89.

Howard Newton was a decorated World War II veteran, a retired farmer and an inspiration to all who knew him. Upon graduating from Tillar High School, he enlisted in the Army where he honorably served his country earning numerous medals including the Silver Star, the Bronze Star and the Purple Heart. His bravery and courage was exemplified by his selfless leadership in battles including the noted rescue of trapped Allied forces in Bastogne, Belgium, during World War II.

After the war, Howard Newton returned home to Desha County to pursue his true passion of farming the land that he loved. He worked thousands of acres of farmland in Desha County and was the first farmer in the area to irrigate cotton. He continued his work in agriculture by chairing the committee to build a Farm Bureau office in McGehee that would eventually benefit thousands of farmers from across the region.

In addition to his leadership in the field of agriculture, Howard Newton was also a man of devout faith. He was a member of the Newton Chapel United Methodist Church where he served as board member and Sunday School teacher, as well as a familiar face in the congregation, and always someone with open ears for conversation and fellowship.

Howard Newton will forever be remembered for his outstanding service to our country and his community. I extend my deepest condolences to his wife, Frances Rands Newton; his daughter, Gene Beard Curry of Pottsboro, Texas; his sister, Hazel Wheeler of Sulphur Springs; his stepchildren, Sarah Jones of Soldotna, Alaska and Allan Rands of Dumas; and to his numerous grandchildren, great-grandchildren, nieces, nephews and friends. Howard Newton will be greatly missed in Dumas, Desha County and throughout the State of Arkansas, and I am truly saddened by this loss.

HONORING THE MT. VERNON VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Mt. Vernon Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

In 2005, Mt. Vernon Volunteer Fire Department responded to 14 wild land, brush and grass fires. They ran 24 vehicle accidents and E.M.S. calls, eight residence fires, and 23 others for a total of 69 responses.

Without volunteer fire halls, like Mt. Vernon, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Mt. Vernon Volunteer Fire Department deserve recognition: Chief Ray D. Hicks, Faye Hicks, David Dyer, Cheryl Dyer, Coel Bean, Rickey Bean, Randy Bean, Mary Bean, Harold Hatcher, Eddy Hatcher, Jason Rhoton, Shawn Hatcher, Shannon Hatcher, Johnny Young, Denise Rhoton, Crystal Key, Robert Cox, Adam Bryant, and Craig Copess.

CONGRATULATIONS TO KIMBERLY WOODARD AND JOI SHEFFIELD ON WORK DONE FOR THE ELIAS MOTSOALEDI PRE-PRIMARY SCHOOL IN SOWETO, SOUTH AFRICA.

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. MEEKS of New York. Madam Speaker, I would like to take this opportunity to recognize and congratulate Miss Joi E. Sheffield and Miss Kimberly A. Woodard as they embark on a journey to improve the lives of young boys and girls in South Africa through education.

Miss Sheffield and Miss Woodard are launching their first event, in partnership with The Silver Spring (Maryland) Chapter of the The Links, Incorporated, Shari Sheffield, The Perfect Glass LLC and TV One, by hosting a charity event this evening at the Verizon Center's concert featuring legendary recording artist Stevie Wonder. Proceeds from their event will benefit The Elias Motsoaledi Pre-Primary School in Soweto, South Africa in the Gauteng Province.

The Elias Montsoaledi Pre-Primary School is a temporary school located in the informal settlement of Montsoaledi. The school was built in 2002 with donations from The Links, Incorporated. The Elias Montsoaledi Pre-Primary School is a private school that does not qualify for funding from the South African government and is reliant on private funding and donations for school tuition and fees, teacher's salary, books and supplies, and meals.

In May 2007, Miss Sheffield and Miss Woodard traveled to South Africa as part of a Links, Incorporated-sponsored trip, where they visited The Elias Montsoaledi Pre-Primary School, among many others. Following that experience they walked away committed to working to improve the lives of the children they met in Soweto, South Africa.

Madam Speaker, I want to congratulate Miss Sheffield and Miss Woodard on the work they are doing in support of those seeking educational excellence in South Africa, and I wish them well in their endeavors.

HONORING THE MONTERY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Monterey Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

In 2000, the Monterey Volunteer Fire Department bought a new pumper fire engine for their 1985 Ford fire engine. The Monterey Fire Department is privileged and honored to serve their community and their country.

Without volunteer fire halls, like Monterey, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Monterey Volunteer Fire Department deserve recognition: Chief Richard Milligan, Assistant Chief Kevin Peters, Johnny Bowman, Mike Looper, Jeff Hicks, Matt Parrott, Jody Key, John Webb, Jonathan Sisco and Terry Coggside.

IN MEMORY OF EARL CLEMONS, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Earl Clemons, Jr., formerly of Pine Bluff, Arkansas, who passed away October 20, 2007, at the age of 83.

Earl Clemons, Jr., dedicated his life to his family, his community and his country. He was born in the small Delta town of Tamo, in Jefferson County, and his deep affection for the Delta region can be measured by the enormous contributions he made to the agriculture community of Arkansas, something he dedicated his passions and energies to throughout his long life. It can always be said he lived life to the fullest and impressed upon each person he met the value of giving back, something that was evident in his numerous leadership roles he held in life.

Upon graduation from Grady High School, Earl Clemons, Jr., served his country in the 103rd Infantry Division of the U.S. Army. After his service, he returned home and earned a degree in agricultural engineering from the University of Arkansas at Fayetteville. He took his enthusiasm for agriculture back to his hometown of Tamo where he refined his craft on the family farm. Over the years, he gave everything he had to agriculture and to the Delta region. His famous ''Farm Tour'' was a detailed history of agriculture in the Delta that included visits to a local cotton gin, cotton oil mill and river port where grain was loaded.

In addition to his work in the field of agriculture, Earl Clemons, Jr., was also a man of devout faith. He was a member of St. Joseph Catholic Church in Pine Bluff. His belief in the importance of community led him to serve in many civic organizations such as the Grider Field Airport Commission and the local Board of Directors of Simmons First National Bank in Pine Bluff.

I extend my deepest condolences to his wife, Bennye Jane Haskins Clemmons; his two sons, Earl ''Skip'' Clemons III of Little Rock and Neil Clemons of Chicago, Illinois; his two daughters Jane Clemons of San Francisco, California and Rose Clemmons Gladner of Little Rock; and to his six grandchildren and numerous friends. Earl Clemons, Jr., will be greatly missed in Pine Bluff, Jefferson County, the agriculture community and throughout the state of Arkansas, and I am truly saddened by this loss.

HONORING THE LANCASTER VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Lancaster Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Lancaster Volunteer Fire Department is a small, rural fire department in a close-knit community. The department hosts the Fire Hall Jam every August.

Without volunteer fire halls, like Lancaster, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Lancaster Volunteer Fire Department deserve recognition: Chief Tim Manning, Asst. Chief Larry Moss, Keith Williams, Honorary Lifetime Member Bradley Helm, Tim Bates, Larry Watts, Danny Bass, Ellic Gullett, James Grentry, Kevin Moss, and Keith Boyd.

CELEBRATING AMERICA'S HERITAGE ACT

SPEECH OF

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2007

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of H.R. 1483, Celebrating America's Heritage Act. I thank Congressman REGULA, Chairman RAHALL, and their staff for their hard work on bringing this deserving and important legislation to the floor for full consideration. This bi-partisan legislation will authorize additional funding to existing National Heritage Areas, ensure adequate management of these areas, and establish six new Heritage Areas which enjoy broad community support.

The National Heritage Area program is unique in that it involves whole communities in public/private partnerships to recognize, and appreciate our Nation's shared history for generations to come. I'm so pleased that both sides of the aisle support the goals of the National Heritage Area program. President Herbert Hoover said, ''Honor is not the exclusive property of any political party.'' This bill proves that honoring our past is also not the exclusive property of any political party.

President Hoover, a native Iowan, was born in West Branch, Iowa on August 10, 1874. Thanks in part to the Silos and Smokestacks, or America's Agricultural Heritage Partnership program, President Hoover's birthplace, and other similar historic sites are preserved and included in the 37 county, 20,000 square mile

region of Iowa which showcases over 100 farms, agribusiness and heritage sites to a world wide audience.

The Silos and Smokestacks program boasts over $1.2 million in Federal grants awarded with a match from our local Iowa communities of $8.3 million. Of these grants, 27 were awarded to schools allowing 1,619 students to learn about Iowa's heritage.

With the increased funding authorized in this legislation for the existing National Heritage Areas, over 300,000 students in the Silos and Smokestacks area will have a chance to learn about Iowa's agricultural history and heritage. I urge my colleagues to support this culturally important legislation.

HONORING THE WEST SIDE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the West Side Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The West Side Volunteer Fire Department was established on April 1, 1994. A State grant provided 12 sets of bunker gear and pagers. West Side Volunteer Fire Department responds to incidents including structure fires, trash or brush fires, vehicle fires, accidents with injuries, and EMS First Responder calls.

Without volunteer fire halls, like West Side, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the West Side Volunteer Fire Department deserve recognition: Chief John Naylor, Assistant Chief Paul Simon, Captain Jack Barton, Matt Studd, Scott Tresler, Jeremy Genter, Jeremy Vassar, Jeff Smith, Dale Fulghum, Donnie Simon, Ashley Powell, and Nicholas Barton.

HONORING THE WESTMORELAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Westmoreland Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Westmoreland Volunteer Fire Department was organized in 1958. The department members logged over 1,600 training hours in 2006, and the department responded to 148 calls for fire and rescue services and assistance on emergency medical situations. The department has 23 members.

Without volunteer fire halls, like Westmoreland, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Westmoreland Volunteer Fire Department deserve recognition: Chief Mark Jenkins, Asst. Chief Tim Shelton, Scott Vantrease, Rick Myers, Phil Crook, Kevin Bandy, Todd Camp, Jon Pullen, Christina Pullen, Tim Reagan, Brad Penick, Eric Harrison, Jason Graves, Larry Gross, Tommy Kirby, Brandon Gross, Sean Milam, Brandon Carter, Jermey Akins, Brent Simons, Greg Carr, Megan Harrison, Devin Branham, and Troy Moss.

THE NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. OBERSTAR. Madam Speaker, the gentleman from Oregon (Mr. DEFAZIO), Chairman of the Subcommittee on Highways and Transit, and I introduce the ''National Highway Bridge Reconstruction and Inspection Act of 2007'', which will improve the safety of Federal-aid highway bridges, strengthen bridge inspection standards and processes, and increase investment in the reconstruction of structurally deficient bridges on the National Highway System.

The tragic collapse of the I–35W Bridge, which occurred in my home state of Minnesota on August 1, 2007, demonstrates the need to make a commitment to invest in the maintenance and reconstruction of our nation's infrastructure. Many facilities are being stretched to the limit of their design life and beyond.

Of the 594,101 bridges in the National Bridge Inventory, 26.2 percent of America's bridges—more than one in four—are structurally deficient or functionally obsolete. There are 73,784 structurally deficient bridges and 80,317 functionally obsolete bridges. According to the U.S. Department of Transportation (DOT), more than $65 billion could be invested immediately in a cost-beneficial way to address existing bridge deficiencies.

We must take action to put in place a framework to address this situation, and ensure that the safety and structural integrity of the nation's highway bridges do not continue to deteriorate.

Since the collapse of the I–35W Bridge, the Committee on Transportation and Infrastructure and the Subcommittee on Highways and Transit have conducted in-depth hearings into the Highway Bridge Program and the National Bridge Inspection Program. During those hearings, we have found a number of significant problems that must be addressed to ensure the overall safety of the nation's highway bridges. The National Highway Bridge Reconstruction and Inspection Act of 2007 establishes a framework for risk-based prioritization of bridge infrastructure investments and ensures that the limited resources available today will reach those facilities most in need of repair.

The National Highway Bridge Reconstruction and Inspection Act require the Federal Highway Administration (FHWA) to immediately update the National Bridge Inspection Standards to establish uniformity among States in conducting inspections and evaluations. The bill also strengthens training, certification, and qualification requirements for all highway bridge inspectors.

The bill requires States to inspect structurally deficient bridges each year using the best practicable technologies and methods. All other bridges would be required to be inspected every 2 years. The legislation allows FHWA to extend the biennial inspection requirements if FHWA determines that granting the extension will increase the overall safety of the State's bridge inventory.

In response to concerns raised in a U.S. Department of Transportation Inspector General report, the bill requires States to calculate the load rating for highway bridges that have a structural deficiency in a load-carrying member and ensures that the safe load-carrying capacity for such bridges is properly posted.

Our legislation also requires the Department of Transportation to conduct a risk-based prioritization for the reconstruction of deficient Federal-aid highway bridges. The National Academy of Sciences would then independently review the process of prioritization to ensure that investment and resource decisions are based on need, not politics.

The bill also calls on States to develop a 5-year performance plan for the inspection of highway bridges and the reconstruction of structurally deficient and functionally obsolete Federal-aid highway bridges. The performance plans will provide a roadmap for addressing bridge needs, and will ensure greater accountability.

The bill authorizes an additional $2 billion for reconstruction of structurally deficient bridges on the National Highway System. These funds are in addition to funds authorized for the Highway Bridge Program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. These funds are distributed to the States by formula, and Congressional or Administration earmarks are specifically prohibited.

Finally, the bill limits the transferability of Highway Bridge funds. The funds authorized by this bill are not transferable to other Federal-aid highway programs. In addition, the bill provides that a State may transfer Highway Bridge Program funds to other Federal-aid Highway programs only if the State demonstrates to the satisfaction of the Secretary that the State has no structurally deficient Federal-aid highway bridges. This ''fix-it-first'' approach will ensure that bridge program funds are utilized as intended by Congress in SAFETEA–LU—to improve the safety of highway bridges.

The bridge collapse of August 1, 2007, has served as a wake-up call for many policymakers and leaders around the country. We must take the lessons of the I–35W Bridge, and use them to create an accountable and reliable bridge program that guards the safety of all users. The National Highway Bridge Reconstruction and Inspection Act of 2007, which Mr. DEFAZIO and I introduce today, begins the process of ensuring that such a tragedy will not happen again.

HONORING THE SOUTHEAST COMMUNITY FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Southeast Community Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Southeast Community Fire Department is made up of 41 volunteers, including 9 board members, and serves over 10,000 people. The department responds to fires, motor vehicle crashes, medical calls, and other service calls. In 2005, the Southeast Community Fire Department responded to nearly 450 calls.

Without volunteer fire halls, like Southeast, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Southeast Community Fire Department deserve recognition: Chief Mickey Summers, Asst. Chief Henry Thayer, Capt. Terry Turner, Engineer William Summers, Rodney Pryor, Raymond Summers, Billy Templeton, Randy Thaxton, Sam Clark, Aaron Bruce, David Kellogg, Charlie Johnson, Ken Weidner, Tommy Dale, Rich Goddard, Sonny Briggance, Luke McKnight, Brandon Clark, Rick Donley, Darrell Templeton, Chasey McKnight, Johnny Smith, James Civils, Lee Daniels, Steven Johnson, Patrick Foster, Aaron Kinser, Jamie Blair, John Reeser, Micheal Webb, and Kyle Withers.

HONORING THE SOUTH CARTHAGE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the South Carthage Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The South Carthage Fire Department has operated from the same fire station, located on Main St., next to City Hall, since it was founded in 1963. The department has serviced the community for 44 years.

Without volunteer fire halls, like South Carthage, many places in the Sixth District would lack effective fire protection. In the state of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the South Carthage Volunteer Fire Department deserve recognition: Chief Ed Lankford, Asst. Chief Tony Hembree, Captain A Team Blythe Myers, Bobby Hewitt, Richard Ellenburg, Scottie Grisham, David McCall, Captain B Team Grover Ellenburg Jr., John Antle, Todd Currie, Tracy Fields, Chris Dennis, Alicia Fields, Derrick Brooks, David Brown, Brian Owensby, Aaron Sterling, Ricky Slack, Safety and Training Officer Terry Wood, Kennie Bryant, and James Way. Reserve Fire Department Members: Steven Myers, Chris Fields, Jonas Bullington, and Johnny Richardson.

HONORING THE SMITH COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor the members of the Smith County Volunteer Fire Department for their selfless dedication and bravery in protecting our families, day and night.

The Smith County Volunteer Fire Department was founded in 1986. Volunteers contracted a building, and the community bought a surplus Tennessee Air National Guard Dodge power wagon with a 250-gallon fiberglass tank. The department has nine active members.

Without volunteer fire halls, like Smith County, many places in the Sixth District would lack effective fire protection. In the State of Tennessee, over 70 percent of fire service is provided by volunteers. Among these volunteers, almost 75 percent work other daily jobs.

Ensuring our families' safety is not without risk. Sadly, an average of two firefighters die each year in Tennessee in the line of duty. In 2005, the Tennessee Fire Services and Code Academy dedicated a memorial on their main campus in Bell Buckle to honor those Tennessee firefighters who have died in the line of duty.

For their willingness to serve, the following members of the Smith County Volunteer Fire Department deserve recognition: Chief Ronnie Jackson, Asst. Chief John Robinson, Gerald Bush, George Eisenbach, Josh Collins, Mike Posey, Jake Watts, Eddie Barnes, and Josh Tisdale.

Daily Digest

HIGHLIGHTS

Senate passed S. 294, Passenger Rail Investment and Improvement Act.

Senate

Chamber Action

Routine Proceedings, pages S13531–S13588

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 2258–2266, and S. Res. 360. **Pages S13579–80**

Measures Passed:

Third Higher Education Extension Act: Senate passed S. 2258, to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder. **Pages S13532–33**

Passenger Rail Investment and Improvement Act: By 70 yeas to 22 nays (Vote No. 400), Senate passed S. 294, to reauthorize Amtrak, and after taking action on the following amendments proposed thereto: **Pages S13536–67**

Adopted:

Bond (for DeMint) Modified Amendment No. 3469, to clarify the level of detail to be included in the modern financial accounting and reporting system required under section 203. **Page S13548**

Lautenberg (for Vitter) Amendment No. 3486, to require the rail cooperative research program to include research designed to review rail crossing safety improvements, including improvements using new safety technology. **Page S13548**

Lautenberg (for Schumer) Modified Amendment No. 3489, to authorize a passenger rail study. **Page S13548**

Rejected:

By 24 yeas to 67 nays (Vote No. 397), Coburn Amendment No. 3474, to require Amtrak to regularly report to Congress on the profits or losses relating to the provision of food and beverage service and to limit such service on Amtrak rail lines that incur losses. **Pages S13537–41**

By 27 yeas to 65 nays (Vote No. 399), Bond (for DeMint) Amendment No. 3467, to require Amtrak to disclose the Federal subsidy of every ticket sold for transportation on Amtrak. **Pages S13541–48**

Withdrawn:

Bond (for DeMint) Amendment No. 3468, to increase competition in the American rail system by allowing any qualified rail operator or transportation company to compete for passenger rail service. **Pages S13537, S13543**

Bond (for DeMint) Amendment No. 3470, to require the Performance Improvement Plan to address reaching financial solvency by eliminating routes and services that do not make a profit. **Pages S13537, S13543**

During consideration of this measure today, Senate also took the following action:

By 79 yeas to 13 nays (Vote No. 398), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S13541**

Condolences Regarding Tragic Fire In Ocean Isle Beach, North Carolina: Senate agreed to S. Res. 360, offering condolences regarding the tragic fire in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University on October 28, 2007. **Page S13587**

Essential Air Service Subsidies Extension: Senate passed S. 2265, to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008. **Page S13587**

The Andrew Larochelle God, Family, and Country Act: Senate passed S. 2198, to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates. **Page S13587**

Appointments:

***United States Commission on Civil Rights*:** The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Section 2 (b) of Public Law 98–183, as amended by Public Law 103–419, appointed Gail

Heriot, of California, to the United States Commission on Civil Rights, for a term of six years.

Page S13587

State Children's Health Insurance Program—Agreement: A unanimous-consent agreement was reached providing that at 1 p.m. on Wednesday, October 31, 2007, Senate resume consideration of the motion to proceed to consideration of the H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program; and that the vote on the motion to invoke on the motion to proceed to its consideration not occur prior to 6:30 p.m., on Wednesday, October 31, 2007, or at a time to be determined by the two Leaders on Wednesday. Page S13588

Messages from the House: Page S13577

Measures Referred: Page S13577

Measures Read the First Time: Pages S13577, S13588

Enrolled Bills Presented: Page S13577

Executive Reports of Committees: Page S13579

Additional Cosponsors: Pages S13580–81

Statements on Introduced Bills/Resolutions: Pages S13581–86

Additional Statements: Pages S13575–77

Amendments Submitted: Page S13586

Notices of Hearings/Meetings: Pages S13586–87

Authorities for Committees to Meet: Page S13587

Record Votes: Four record votes were taken today. (Total—400) Pages S13540–41, S13548, S13551

Adjournment: Senate convened at 10 a.m. and adjourned at 7:16 p.m., until 12 noon on Wednesday, October 31, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13588.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported 33 nominations in the Army, Navy, Air Force, and Marine Corps.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following:

S. 2045, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, with an amendment in the nature of a substitute;

S. 2096, to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry, with an amendment in the nature of a substitute;

S. 1580, to reauthorize the Coral Reef Conservation Act of 2000, with amendments;

S. 1853, to promote competition, to preserve the ability of local governments to provide broadband capability and services, with amendments;

S. 1675, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, with amendments;

H. Con. Res. 225, honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities; and

The nominations of Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce, Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, and promotion lists in the United States Coast Guard, and the National Oceanic and Atmospheric Administration.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Daniel D. Heath, of New Hampshire, to be United States Alternate Executive Director of the International Monetary Fund, Sean R. Mulvaney, of Illinois, to be an Assistant Administrator of the United States Agency for International Development, and Patrick Francis Kennedy, of Illinois, to be an Under Secretary of State (Management), after the nominees testified and answered questions in their own behalf.

ISLAMIST EXTREMISM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the role of local law enforcement in countering violent Islamist extremism, focusing on the radicalization process, after receiving testimony from Lawrence H. Sanchez, and Mitchell D. Silber, both of the New York City Police Department, New York, New York; Michael P. Downing, Los Angeles Police Department Counter-Terrorism/Criminal Intelligence Bureau, Los Angeles, California; Michael R. Ronczkowski, Miami-Dade Police Department Homeland Security Bureau, Miami, Florida; and Thomas Dailey, Kansas City Police Department Homeland Security Division, Kansas City, Missouri.

PROTECTING THE U.S. FROM DRUG-RESISTANT TUBERCULOSIS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine ways to protect the United States from the rising threat of drug-resistant tuberculosis, focusing on reinvesting in control and new tools research, after receiving testimony from Kenneth G. Castro, Assistant Surgeon General, and Director, Division of Tuberculosis Elimination, Centers for Disease Control and Prevention, Department of Health and Human Services; Thomas R. Frieden, New York City Department of Health and Mental Hygiene, New York, New York; Jerald C. Sadoff, Aeras Global TB Vaccine Foundation, Rockville, Maryland; and Randall Reves, University of Colorado Health Sciences Center Department of Preventative Medicine and Biometrics, Denver, on behalf of the National Tuberculosis Controller's Association (NTCA), and sundry organizations.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 3992–4012; 1 private bill, H.R. 4013; and 7 resolutions, H. Res. 777–779, 782–785, were introduced. **Pages H12236–38**

Additional Cosponsors: **Pages H12238–39**

Reports Filed: Reports were filed today as follows:

H.R. 2787, to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States, with an amendment (H. Rept. 110–415);

H.R. 2830, to authorize appropriations for the Coast Guard for fiscal year 2008, with an amendment (H. Rept. 110–338, Pt. 3);

H. Res. 780, providing for consideration of the bill (H.R. 2262) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims (H. Rept. 110–416); and

H. Res. 781, providing for consideration of the bill (H.R. 3920) to amend the Trade Act of 1974 to reauthorize trade adjustment assistance and to extend trade adjustment assistance to service workers and firms (H. Rept. 110–417). **Page H12236**

Speaker: Read a letter from the Speaker wherein she appointed Representative Sires to act as Speaker Pro Tempore for today. **Page H12157**

Recess: The House recessed at 9:03 a.m. and reconvened at 10 a.m. **Page H12157**

Moment of Silence: The House observed a moment of silence in honor of South Carolina students Justin Anderson, Travis Cale, Lauren Mahon, Cassidy Pendley, William Rhea, Allison Walden, and Emily Yelton who lost their lives in a house fire on Sunday, October 28, 2007. **Page H12159**

Suspension: The House agreed to suspend the rules and pass the following measure:

Internet Tax Freedom Act Amendments Act of 2007: Concur in Senate amendment to H.R. 3678, amended, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce, by a 2/3 yea-and-nay vote of 402 yeas with none voting "nay", Roll No. 1014—clearing the measure for the President. **Pages H12160–64, H12168–69**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Monday, October 29th:

Expressing support for designation of the month of October 2007 as "Country Music Month" and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism: H.J. Res. 58, to express support for designation of the month of October 2007 as "Country Music Month" and to honor country music for its long history of supporting America's armed forces and its tremendous impact on national patriotism, by a 2/3 yea-and-nay vote of 398 yeas with none voting "nay", Roll No. 1015. **Page H12169**

Small Business Contracting Program Improvements Act: The House passed H.R. 3867, to update and expand the procurement programs of the Small Business Administration, by a recorded vote of 334 ayes to 80 noes, Roll No. 1017. **Pages H12170–89**

Rejected the Chabot motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 177 yeas to 240 nays, Roll No. 1016. **Pages H12186–88**

Accepted:

Velázquez amendment (No. 1 printed in H. Rept. 110–407) that establishes that those veterans who are severely disabled shall be given special consideration as agencies implement contracting regulations; sets forth certain standards for business integrity that are required for participation in federal contracting programs; and clarifies the implementation of the women's procurement program; **Pages H12178–79**

Akin amendment (No. 2 printed in H. Rept. 110–407) that requires that the Administrator of the Small Business Administration (SBA) conduct a study to determine what changes would be required to provide greater Federal contracting assistance to participants in the program created by section 8(a) of the Small Business Act that have less equity in their business concerns than other participants in the program. The study would be reported no later than six months after the date of enactment of this Act and the Administrator would report the details of the study to the Senate Small Business Committee and the House Small Business Committee; **Pages H12179–80**

Welch (VT) amendment (No. 3 printed in H. Rept. 110–407) that requires the Administrator of the Small Business Administration to carry out a study on the effectiveness of the HUBZone program in reaching rural areas; **Pages H12180–81**

Mica amendment (No. 5 printed in H. Rept. 110–407) that states that it is the sense of the House that small business set-asides should not be excluded from any acquisitions under the GSA's Federal Supply Schedule; **Pages H12181–82**

Moran (VA) amendment (No. 6 printed in H. Rept. 110–407) that requires the Administrator of the Small Business Administration to conduct a study to determine, with respect to small business contracts, whether incumbent Federal contractors are submitting frivolous protests to extend the length of current contracts before protest decisions are resolved. The Administrator also would develop recommendations to discourage frivolous protests; **Pages H12182–83**

Baird amendment (No. 7 printed in H. Rept. 110–407) that directs the Administrator of the Small Business Administration to examine the lists of groups the members of which are presumed to be socially disadvantaged under the Small Disadvantaged Business program under section 8(a) of the Small Business Act and to consider whether the list should be updated to include additional groups; **Pages H12183–84**

Brown-Waite (FL) amendment (No. 8 printed in H. Rept. 110–407) that creates a liaison within the Small Business Administration whose duty, in consultation with the Assistant Secretary of the Department of Homeland Security for U.S. Immigration and Customs Enforcement, is to ensure that section 2(i) of the Small Business Act, regarding assistance to individuals not lawfully within the United States, is carried out; **Page H12184**

Gillibrand amendment (No. 9 printed in H. Rept. 110–407) that provides that any employer found, based on a determination by the Department of Homeland Security or the Attorney General, to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States, an alien knowing the person is an unauthorized alien shall be subject to debarment from the receipt of future Federal contracts; and **Pages H12184–85**

Lampson amendment (No. 10 printed in H. Rept. 110–407) that prohibits the use of any funds for first-class or business-class airline travel by agency employees when carrying out the provisions of H.R. 3867 and includes exceptions provided by the Code of Federal Regulations 301–10.122 to 10.124, as applicable to federal agency employees. **Pages H12185–86**

Withdrawn:

Mica amendment (No. 4 printed in H. Rept. 110–407) that was offered and subsequently withdrawn that would have clarified that the small business set-aside provisions of the Small Business Act (15 U.S.C. 644) should apply to federal contracts not excluding Federal Supply Schedule and Multiple Award Schedule holders. **Page H12181**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H12189**

H. Res. 773, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question by a yea-and-nay vote of 216 yeas to 180 nays, Roll No. 1013. **Pages H12164–68**

Suspensions: The House agreed to suspend the rules and pass the following measures:

CJ's Home Protection Act of 2007: H.R. 2787, amended, to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; **Pages H12189–91**

Procedural Fairness for September 11 Victims Act of 2007: S. 2106, to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001—clearing the measure for the President;

Pages H12191–93

Temporarily extending the programs under the Higher Education Act of 1965 and amending the definition of eligible not-for-profit holder: S. 2258, to temporarily extend the programs under the Higher Education Act of 1965 and to amend the definition of eligible not-for-profit holder—clearing the measure for the President; **Pages H12193–95**

Making permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research: H.R. 1236, amended, to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research;

Pages H12195–96

Agreed to amend the title so as to read: ''To amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.''. **Page H12196**

Dennis P. Collins Post Office Building Designation Act: H.R. 3307, to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building'', by a ⅔ yea-and-nay vote of 414 yeas with none voting ''nay'', Roll No. 1018; **Pages H12196–97, H12206**

Michael W. Schragg Post Office Building Designation Act: H.R. 3446, to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building'', by a ⅔ yea-and-nay vote of 415 yeas with none voting ''nay'', Roll No. 1019; **Pages H12197–98, H12206–07**

Honoring the first responders and supporting the victims of the Southern California wildfires: H. Res. 778, to honor the first responders and support the victims of the Southern California wildfires, by a ⅔ yea-and-nay vote of 409 yeas with none voting ''nay'', Roll No. 1020; and **Pages H12198–H12203**

Recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C.: H. Res. 759, to recognize the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C.

Pages H12203–06

Senate Message: Message received from the Senate today appears on page H12168.

Senate Referrals: S. 2258 was held at the desk.

Page H12168

Quorum Calls—Votes: Seven yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H12167–68, H12168–69, H12169, H12187–88, H12188, H12206, H12206–07 and H12207–08. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 9:14 p.m.

Committee Meetings

MEAT INDUSTRY TECHNOLOGY

Committee on Agriculture: Held a hearing to review technologies in the meat industry. Testimony was heard from Alfred V. Almanza, Administrator, Food Safety Inspection Service, USDA; and public witnesses.

IRAQ EXAMINATION OF DIPLOMATIC SURGE

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Agencies held a hearing on Assessing an Effective Diplomatic and Development Program in Iraq: An Examination of the Diplomatic Surge. Testimony was heard from Stuart Bowen, Jr., Special Inspector General for Iraq Reconstruction; and Joseph A. Christoff, Director, International Affairs and Trade, GAO.

STABILIZATION AND RECONSTRUCTION OPERATIONS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Stabilization and Reconstruction Operations: Learning from Provincial Reconstruction Team (PRT) Experience. Testimony was heard from Celeste Ward, Deputy Assistant Secretary, Stability Operations Capabilities, Department of Defense; Ambassador John E. Herbst, Coordinator, Office of Reconstruction and Stabilization, Department of State; and the following officials of the GAO: Joseph A. Christoff, Director, International Affairs and Trade Team; and Janet S. Laurent, Director, Defense Capabilities and Management Team.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported as amended, the following bills: H.R. 1534, Mercury Export Ban Act of 2007; H.R. 3461, Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007; H.R. 2601, To extending the authority of the Federal

Trade Commission to collect fees to administer and enforce the provisions relating to the ''Do-not-call'' registry of the Telemarketing Sales Rule; H.R. 3541, Do-Not-Call Improvement Act of 2007; H.R. 3526, To include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions; H.R. 3403, 911 Modernization and Safety Act of 2007; and H.R. 3919, Broadband Census of America Act of 2007.

INSURANCE REGULATORY REFORM

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing entitled ''Additional Perspectives on the Need for Insurance Regulatory Reform.'' Testimony was heard from public witnesses.

MINORITY BANKS

Committee on Financial Services: Subcommittee on Oversight and Investigations, hearing entitled '' Preserving and Expanding Minority Banks.'' Testimony was heard from George Scott, Director, Education, Workforce and Income Security Issues, GAO; Sandra L. Thompson, Director, Division of Supervision Consumer Protection, FDIC; the following officials of the Department of the Treasury: Montrice Yakimov, Managing Director, Compliance and Consumer Protection, Office of Thrift Supervision; and John Walsh, Chief of Staff and Public Affairs, Office of Comptroller of the Currency; Sandra F. Braunstein, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; and public witnesses.

RUSSIAN ELECTIONS

Committee on Foreign Affairs: Held a hearing on Russia on the Eve of National Elections. Testimony was heard from Strobe Talbott, former Deputy Secretary of State; and a public witness.

GLOBAL ENVIRONMENT AND RENEWAL ENERGY

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific and the Global Environment held a hearing on Renewable Energy and the Global Environment. Testimony was heard from Reno Harnish III, Principal Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State; John Mizroch, Principal Deputy Assistant Secretary, Office of Energy Efficiency and Renewable Energy, Department of Energy; John A. Simon, Executive Vice President, OPIC; Michael W. Yost, Administrator, Foreign Agriculture Service, USDA; and public witnesses.

SAFE PORT ACT

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled ''The SAFE Port Act: Status of Implementation One Year Later.'' Testimony was heard from the following officials of the Department of Homeland Security: Maurine Fanguy, Program Director, Transportation Worker Identification Credentials Program, Transportation Security Administration; CAPT Francis Sturm, U.S. Coast Guard; Thomas Winkowski, Assistant Commissioner, Office of Field Operations, Customs and Border Protection; and Vayl Oxford, Director, Domestic Nuclear Detection Office; Stephen L. Caldwell, Director, Homeland Security and Justice Issues, GAO; and public witnesses.

MORTGAGE MESS—STRAIGHTENING OUT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law continued hearings on Straightening Out the Mortgage Mess: How Can We Protect Home Ownership and Provide Relief to Consumers in Financial Distress?—Part II. Testimony was heard from public witnesses.

OVERSIGHT—VOTING CIVIL RIGHTS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held an oversight hearing on the Voting Section of the Civil Rights Division of the U.S. Department of Justice. Testimony was heard John K. Tanner, Chief, Voting Right Section, Civil Rights Division, Department of Justice; and public witnesses.

GENETIC TESTING

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property, hearing on Stifling or Stimulating—Role of Gene Patents in Research and Genetic Testing. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forest and Public Lands held a hearing on the following bills: H.R. 415, To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System; H.R. 1143, To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park; H.R. 1286, Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act; H.R. 1545, To direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of Fort San Geronimo and other related resources in the Commonwealth of Puerto Rico and the suitability and feasibility of

their inclusion in the National Park System as part of the San Juan National Historic Site; H.R. 1836, Weir Farm National Historic Site Amendment Act; H.R. 3022, Sequoia-Kings Canyon National Park Wilderness Act of 2007; H.R. 3120, Stranahan House, Trading Post and Campsite Historic Preservation Act; H.R. 3265, Harry S Truman Birthplace Study Act; H.R. 3473, Bountiful City Land Consolidation Act; H.R. 3616, Lewis and Clark National Historic Trail Extension Study Act of 2007; and H.R. 3821, Battle of Matewan Study Act. Testimony was heard from Representatives Skelton, Frank of Massachusetts, Shays, and Emerson; Karen Taylor-Goodrich, Associate Director, Visitor and Resources Protection, National Park Service, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; and public witnesses.

POSTAL RATES' EFFECT ON BUSINESS

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a hearing on Will Increased Postal Rates Put Mailers Out of Business? Testimony was heard from the following officials of the U.S. Postal Service: James C. Miller III, Chairman; and John Potter, Postmaster General; Dan G. Blair, Chairman, Postal Regulatory Commission; and public witnesses.

IRANIAN PEOPLE'S ATTITUDES

Committee on Oversight and Government Reform: Subcommittee on National Security, and Foreign Affairs held a hearing on Iran: Reality, Options, and Consequences—Iranian People and Attitudes. Testimony was heard from Kenneth Katzman, Specialist in Middle Eastern Affairs, Foreign Affairs, Defense, and Trade Division, CRS, Library of Congress; and public witnesses.

HARDROCK RECLAMATION ACT OF 2007

Committee on Rules: Committee granted, by a voice vote, a structured rule providing 1 hour of debate on H.R. 2262, Hardrock Mining and Reclamation Act of 2007, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the Rules Committee report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Rahall and Representatives Herseth Sandlin, Pearce, and Heller.

TRADE AND GLOBALIZATION ACT OF 2007

Committee on Rules: Committee granted, by a voice vote, a structured rule providing 1 hour of debate on H.R. 3920, Trade and Globalization Assistance Act of 2007, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means, modified by the amendment printed in part A of the Rules Committee report, shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

The rule makes in order the substitute amendment printed in part B of the report if offered by Rep. Jim McCrery (R–LA) or his designee. The rule provides that the substitute amendment shall be considered as read and debatable for 1 hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the substitute amendment except those arising under clause 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions. Finally, the rule permits the Chair, during consideration of the bill, to postpone further consideration of it to a time designated by the Speaker. Testimony was heard from Representatives McDermott, Woolsey, McCrery, and McKeon.

WATER USAGE EFFICIENCY CONSERVATION TECHNOLOGIES

Committee on Science and Technology; Subcommittee on Energy and Environment held a hearing on Research to Improve Water-Use Efficiency and Conservation: Technologies and Practices. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee action the following bills: H.R. 3495, Kids in Disasters Well-being, Safety, and Health Act of 2007; H.R. 3986, John F. Kennedy Center Reauthorization Act of 2007; H.R. 3315, To provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall; and H.R. 3712, amended, To designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. and Thomas W.L. Ashley Customs Building and United States Courthouse.

RETIREMENT PLAN FEES

Committee on Ways and Means: Held a hearing on the Appropriateness of Retirement Plan Fees. Testimony was heard from Bradford P. Campbell, Assistant Secretary, Employee Benefits Security Administration, Department of Labor; W. Thomas Reeder, Benefits Tax Counsel, Office of Tax Policy, Department of the Treasury; Andrew J. Donohue, Director, Division of Investment Management, SEC; Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security Issues, GAO; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 31, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine climate disclosure, focusing on measuring financial risks and opportunities, 2:30 p.m., SD–538.

Committee on the Budget: to hold hearings to examine S. 2063, to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans, 9 a.m., SD–608.

Committee on Environment and Public Works: to hold hearings to examine the licensing process for the Yucca Mountain Repository, 10 a.m., SD–406.

Committee on Foreign Relations: business meeting to consider S. Res. 334, expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine, united Nations Convention on the Law of the Sea, with Annexes, done at Montego Bay, December 10, 1982 (the ''Convention''), and the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, with Annex, adopted at New York, July 28, 1994 (the ''Agreement''), and signed by the United States, subject to ratification, on July 29, 1994 (Treaty Doc. 103–39), convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and accompanying Protocol, signed on November 27, 2006, at Brussels (the ''proposed Treaty'') (Treaty Doc. 110–03), protocol Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Copenhagen May 2, 2006 (the ''Protocol'') (Treaty Doc. 109–19), protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki May 31, 2006 (the ''Protocol'') (Treaty Doc. 109–18), protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, Signed on August 29, 1989, signed at Berlin June 1, 2006 (the ''Protocol''), along with a related Joint Declaration (Treaty Doc. 109–20), and the nominations of Patrick Francis Kennedy, of Illinois, to be an Under Secretary of State (Management), Sean R. Mulvaney, of Illinois, to be an Assistant Administrator of the United States Agency for International Development, and Daniel D. Heath, of New Hampshire, to be United States Alternate Executive Director of the International Monetary Fund, 11 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine post-catastrophe crisis, focusing on addressing the dramatic need and scant availability of mental health care in the Gulf Coast, 2:30 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine Foreign Intelligence Surveillance Act (FISA) amendments, focusing on ways to protect Americans' security and privacy while preserving the rule of law and government accountability, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold an oversight hearing to examine the Uniformed Services Employment and Reemployment Rights Act (USERRA), 9:30 a.m., SD–562.

House

Committee on Appropriations, Subcommittee on Legislative Branch, hearing on Capitol Visitor Center Oversight, 10 a.m., 2362A Rayburn.

Committee on Education and Labor, to mark up H.R. 2768, Supplemental Mine Improvement and New Emergency Response Act of 2007, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and The Internet, to continue hearings entitled "Status of the DTV Transition—Part 3," 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, to mark up the following bills: H.R. 3873, Section 515 Rural Housing Property Transfer Improvement Act of 2007; H.R. 3959, To amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; H.R. 3965, Mark-to-Mark Extension and Enhancement Act of 2007; H.R. 3703, To amend section 5112 (p)(1)(A) of title 31, United States Code, to allow an exception for the $1 coin dispensing capability requirement for certain vending machines; and H.R. 3956, Coin Modernization and Taxpayer Savings Act of 2007, 10 A.M., 2128 Rayburn.

Committee on Foreign Affairs, hearing on The Mexico City Policy/Global Gag Rule: Its Impact on Family Planning and Reproductive Health, 10 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights, and Oversight, hearing on the Activities of the Department of State's Office of the Inspector General, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, hearing entitled "Homeland Security: TWIC Failures: TWIC Examined," 10 a.m., 311 Cannon.

Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, to mark up H.R. 2631, Nuclear Forensics and Attribution Act, 2 p.m., 311 Cannon.

Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology and the Subcommittee on Transportation Security and Infrastructure Protection, joint hearing entitled "Enhancing and Implementing the Cybersecurity Elements of the Sector Specific Plans," 2:30 p.m., 311 Cannon.

Committee on the Judiciary, hearing on Combating Modern Slavery: Reauthorization of Anti-Trafficking Programs, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H.R. 2801, Izembek and Alaska Peninsula Wildlife Refuges and Wilderness Enhancement and King Cove Safe Access Act, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing on Oil and Gas Development: Exemptions in Health and Environmental Protections, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, hearing on Aviation Safety: Can NASA Do More To Protect the Public? 1 p.m., 2318 Rayburn.

Subcommittee on Research and Science Education, hearing on Research on Environmental and Safety Impacts of Nanotechnology: Current Status of Planning and Implementation under the National Nanotechnology Initiative, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Investigations and Oversight, hearing entitled "Competitive Bidding for Durable Medial Equipment: Will Small Suppliers Be Able To Compete? 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: the National Highway Bridge Reconstruction and Inspection Act of 2007; H.R. 3495, Kids in Disasters Well-being, Safety, and Health Act of 2007; the John F. Kennedy Center Reauthorization Act of 2007; H.R. 2537, Beach Protection Act of 2007; the Over-the-Road Bus Transportation Accessibility Act of 2007; H.R. 3315, To provide that the great hall of the Capital Visitor Center shall be known as the Emancipation Hall; H.R. 3712, To designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo Ohio, as the "James M. and Thomas W. L. Ashley Customs Building and United States Courthouse; H. Res. 661, Honoring the accomplishments of Barrington Antonio Irving, the youngest pilot and first person of African descent ever to fly solo around the world; H. Res. 772, Recognizing the American Highway Users Alliance on the occasion of its 75th anniversary; U.S. Army Corps of Engineers Survey Resolutions; and other pending business, 11 a.m., 2167 Rayburn.

November 1, Subcommittee on Highway and Transit, hearing on Drug and Alcohol Testing of Commercial Motor Vehicle Drivers, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up H.R. 3688, United State-Peru Trade Promotion Agreement Implementation Act, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Hot Spots, 8:45 a.m., and executive, briefing on DNI Personnel, 10 a.m., and executive; a briefing on CIA, H–405 Capitol.

Next Meeting of the **SENATE**

12 noon, Wednesday, October 31

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will resume consideration of the motion to proceed to consideration of H.R. 3963, Children's Health Insurance Program Reauthorization Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, October 31

House Chamber

Program for Wednesday: Consideration of H.R. 2262—Hardrock Mining and Reclamation Act of 2007 (Subject to a Rule).

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