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House of Representatives

The House met at 10 a.m.

Rabbi Irwin N. Goldenberg, Temple Beth Israel, York, Pennsylvania, offered the following prayer:

God of all humanity, we live in a time when we are tempted to regard our fellow with suspicion.

A predecessor of mine at Temple Beth Israel in York, Pennsylvania, Rabbi Alexander D. Goode, was among the four chaplains who sacrificed their lives for sailors on the sinking troop ship Dorchester during World War II. They died because they regarded all as created in God's image.

In another time, a ship, occupied by people seeking a land of freedom, set out on a wide river. Rough seas demanded reducing the number of passengers to save the rest. Instead of throwing anyone overboard, everyone took turns swimming beside the boat until it reached shore. Everyone survived.

O God, may we see one another as sisters and brothers, Americans all, citizens of this blessed country and humans all, inhabitants of the same beautiful world, rather than as competitors for a place on a lifeboat. Thus, we may hope that all might live in freedom and dignity.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

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

WELCOMING RABBI IRWIN N. GOLDENBERG

The SPEAKER. Without objection, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 1 minute.

There was no objection.

Mr. PLATTS. Thank you, Madam Speaker.

I rise here today to welcome as guest chaplain on the floor of the House of Representatives Rabbi Irwin N. Goldenberg, a constituent, friend, well-liked and well-respected religious leader in my home community. Rabbi Goldenberg has served at Temple Beth Israel in York, Pennsylvania, since 1973.

With Rabbi Goldenberg's retirement set for June 2008, numerous members of Temple Beth Israel approached my office and suggested he be invited as a guest chaplain. I was very pleased to have forwarded the request along to Father Coughlin and am grateful that Rabbi Goldenberg was able to give the opening prayer this morning.

Rabbi Goldenberg is a graduate of Rutgers University and Hebrew Union College. He is married to Joyce Meschmar and has two grown children, Rachel and Dahlia.

In addition to his general rabbinic duties, Rabbi Goldenberg has taught countless adults, children and teens at Temple Beth Israel and its religious school. He has also taught at York College and Gettysburg College, both located in the 19th Congressional District. Rabbi Goldenberg has also been extensively involved in his community, from being a member of the board of the York Jewish Community Center to teen pregnancy mentoring at the YWCA to serving on the task force on domestic violence.

It is a true honor to have Rabbi Goldenberg with us here today. I thank him for the prayer that he offered and I wish him the best for an enjoyable and relaxing retirement in the years to come.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Nicolas Sarkozy, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, November 1, 2007, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1055

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY NICOLAS SARKOZY, PRESIDENT OF THE FRENCH REPUBLIC

The Speaker of the House presided.

Printed on recycled paper.

The Democratic Floor Manager, Mr. Barry Sullivan, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Nicolas Sarkozy, President of the French Republic, into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Illinois (Mr. EMANUEL);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. LANTOS);

The gentleman from Massachusetts (Mr. MARKEY);

The gentleman from Missouri (Mr. SKELTON);

The gentleman from Georgia (Mr. LEWIS);

The gentlewoman from New York (Mrs. LOWEY);

The gentlewoman from California (Mrs. CAPPS);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Florida (Mr. PUTNAM);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from California (Mr. GALLEGLY);

The gentleman from Florida (Mr. STEARNS);

The gentleman from Illinois (Mr. SHIMKUS);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from South Carolina (Mr. WILSON); and

The gentleman from Texas (Mr. POE).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Nicolas Sarkozy, President of the French Republic, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Vermont (Mr. LEAHY);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Connecticut (Mr. LIEBERMAN);

The Senator from California (Mrs. FEINSTEIN);

The Senator from California (Mrs. BOXER);

The Senator from Louisiana (Ms. LANDRIEU);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Mississippi (Mr. LOTT);

The Senator from Arizona (Mr. KYL);

The Senator from Texas (Mr. CORNYN);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Nevada (Mr. ENSIGN);

The Senator from Maine (Ms. SNOWE);

The Senator from Maine (Ms. COLLINS); and

The Senator from Oregon (Mr. SMITH).

The Democratic Floor Manager announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Democratic Floor Manager announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 7 minutes a.m., the Democratic Floor Manager announced His Excellency Nicolas Sarkozy, President of the French Republic.

The President of the French Republic, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Nicolas Sarkozy, President of the French Republic.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY NICOLAS SARKOZY, PRESIDENT OF THE FRENCH REPUBLIC

(The following address was delivered in French, with a simultaneous translation in English.)

President SARKOZY. Madam Speaker, Mr. President, ladies and gentlemen of the United States Congress, I want to say firstly, friendship for France means first and foremost being true to one's friends, to one's values, to one's history and one's past. France is the friend of the United States of America.

It is not simply the French President who says that. I am simply the expression, the voice of the people of France. Since the United States first appeared on the world scene, our two peoples, the French and the American people, have always been friends. And the hardship that both our peoples have endured simply steeled that friendship. We may have differences, we may disagree on things, we may even have arguments as in any family, but in times of difficulty, in times of hardship, one stands true to one's friends, one stands shoulder to shoulder with them, one supports them, and one helps them.

In times of difficulty, in times of hardship, America and France have always stood side by side. They have always supported one another. They have helped one another. And each of us, America and France, has fought for each other's freedom.

The United States and France remain true to the memory of their common history. Our duty is to remain true to the blood spilled by our children on both sides of the Atlantic in common battles. But the United States and France are not simply two nations that are true to the memory of what they accomplished together in the past. The United States and France are two nations that remain true to the same, to the one and the same ideals, who uphold the same principles, who believe in the same values.

And I speak to you as I stand before the portraits of Washington and of Lafayette. Lafayette was the first to speak to both Chambers. What could possibly have brought together two men who were so different in terms of age and of origin, Lafayette and George Washington? It was their common values, their shared values, the same love of liberty and of justice. And when Lafayette joined George Washington, he said to him, ''I have come here to this land of America to learn and not to teach.'' He came from the Old World and he came to the New World and he said, ''I have come here to learn and not to teach.'' That was the new spirit and youth of the Old World coming to seek out the wisdom of the New World, to open here in America a new era for all of humankind.

The American Dream, this American Dream, was from the very beginning, the very outset, a matter of putting into practice what the Old World had dreamt of without ever being able to build it and to accomplish it. From the very beginning, the American Dream meant proving to all men and women throughout the world that freedom, justice, human rights and democracy were not a utopia, but, quite the reverse, they were the most realistic policy there is and the most likely to improve the lot and fate of each and every one.

To the millions of men and women who came from every country in the world and who, with their own hands, their intelligence and their hearts, built the greatest nation in the world, America did not say, ''Come, and everything will be given to you.'' Rather, she said, ''Come, and the only limits to what you will be able to achieve will be those of your own courage, your boldness and your talent.'' The America that we love throughout the world embodies this extraordinary ability to grant each and every person a second chance, another chance, because in America, failure is never the last word. There is always another chance. Here

in your country, on this soil, both the humblest and the most illustrious citizens alike know that nothing is owed to them and that everything has to be earned. That is what constitutes the moral value of America. America did not teach men the idea of freedom; she taught them how to practice it, how to practice freedom. And America fought for this freedom whenever she felt it to be threatened or jeopardized. And it was by watching America grow that men and women understood that freedom and liberty were possible, and it is that that gives you a special responsibility. What made America great was her ability to transform her own dream, the American Dream, into a source of hope for all of mankind.

Ladies and gentlemen, the men and women of my generation heard their grandparents talk about how, in 1917, America saved France at a time when my country had reached the final limits of its strength, at a time when France was exhausted, had spent its strength in the most absurd and bloodiest of wars, and France was able to count upon the courage of American soldiers. And I have come to say to you on behalf of the French people that never, never will we forget that.

The men and women of my generation heard their parents talk about how America returned in 1944 to free us from the horrifying tyranny that threatened to enslave us. And fathers in my country took their sons to see the vast cemeteries where, under thousands of white crosses so far from home, thousands of young American soldiers lay who had fallen not to defend their own freedom but the freedom of all others, who died far from their homes not to defend their own families and their own homeland but to defend humanity as a whole. That is why we love America.

And the fathers took their sons to the beaches, the beaches where the young men of America had so heroically landed. And the fathers read to their sons the admirable letters of farewell that those soldiers, those 20-year-old soldiers, had written to their families before the battle to say to them: ''We don't consider ourselves to be heroes. We want this war to be over. But however much dread we may feel, you can count on us.'' Before they landed, Eisenhower told them, and we have not forgotten in Europe these words: ''The eyes of the world are upon you, young men of America. The hopes and prayers of all liberty-loving people everywhere march with you.'' And the children of my generation, as they listened to their fathers, as they watched movies, as they read history books and the letters of your soldiers who died on our beaches in Normandy or Provence, as they visited the cemeteries where the Star-Spangled Banner flies, the children of my generation have understood that these young 20-year-old Americans were true heroes to whom we owed the fact that we were free people and not slaves. America liberated us and this is an eternal debt we owe America.

As President of the French Republic, my duty is to say to the people of America that you represent in its vast diversity, that France will never forget the sacrifice of your children. And to say to the families of those who did not return, those who did not come back, to those children who cried the loss of their fathers whom they had virtually had no time to know, that the gratitude of France is forever. On behalf of my generation that did not suffer under the war, on behalf of those children who will always remember, and to all the veterans present here, and in particular to the seven I was honored enough to decorate last night, one of whom, Senator INOUYE, belongs to your Congress, I want to express the deep, sincere gratitude of the French people. And I want to tell you something, something important: Every time whenever an American soldier falls somewhere in the world, I think of what the American Army did for France. I think of them and I am sad, as one is saddened to lose a member of one's family.

Ladies and gentlemen, that is more important than any disagreements that we may have or that we may have had or any disagreement which we may yet have. That is the bedrock of the friendship between France and the United States of America. The men and women in my generation remember the Marshall Plan that allowed their fathers to rebuild a devastated Europe. The men and women of my generation remember the Cold War, during which America again stood as the bulwark of the free world against the threat of a new tyranny. I remember the Berlin crisis and President Kennedy who unhesitatingly risked engaging the United States in the most destructive of wars so that Europe could preserve the freedom for which the American people had already sacrificed so much. To forget that would, for a man of my generation, be tantamount to self-denial. But my generation did not love America only because she had defended freedom. We also loved America because for us she embodied what was most audacious about the human adventure, the human enterprise, because America for us embodied the spirit of conquest. We loved America because for us America was a new frontier that was continuously being rolled back, a constantly renewed challenge to the inventiveness of the human spirit.

My generation, without even coming to America, shared all of your dreams. And our imaginations were fueled by Hollywood. By the great conquest of the western territories. By Elvis Presley. You have often probably not heard his name quoted here, but from my generation he is universal. There was Duke Ellington, Hemingway, John Wayne, Charlton Heston, Marilyn Monroe, Rita Hayworth. But also Armstrong, Aldrin, Collins, who fulfilled mankind's oldest dream on the day when Americans walked on the Moon. That day America was universal and each one of us wanted to be part of this great adventure.

What was most extraordinary for us was that through your literature, your cinema, your music, it seemed to us that America always seemed to emerge ever greater and stronger from the adversity and the challenges it faced. And it seemed to us that instead of causing America to engage in self-doubt, these difficulties only strengthened her belief in her values. What makes America strong is the strength of this ideal that is shared by all Americans and by all those who love her because they love freedom.

And let me say this as I stand before you here in this Congress. America's strength is not only a material strength. It is first and foremost a moral strength, a spiritual strength. And no one expressed this better than a black pastor who asked just one thing of America: that she be true to the ideal in whose name he, he the grandson of a slave, felt so deeply American. That name was Martin Luther King. He made America a universal role model.

The world still remembers his words, that not a single young Frenchman of my generation has forgotten, either, the words of Martin Luther King, words of love, words of dignity, words of justice. And these words, America heard, and as a result, America changed. And the men and women who had doubted America because they no longer recognized her began to love her once again.

Fundamentally, what are those who love America asking of her if not to remain forever true to her founding values?

Ladies and gentlemen, today as in the past, as we stand at the beginning of the 21st century, it is together that we must fight to defend and promote the values and ideals of freedom and democracy that men such as Washington and Lafayette coined and invented together.

Together, united, we must fight against terror. On September 11, 2001, all of France, horror-struck as we were, rallied to the American people. And the front-page headline of one of our major dailies read: We are all American on this 11th of September, 2001. And on that day, when you were mourning so many dead, never had America appeared to me as so great, so dignified, so strong. The terrorists had thought that they would weaken you, but they made you greater. And the people of America were admired worldwide for its courage. That is the truth. And from day one, France decided to participate shoulder to shoulder with you in the war in Afghanistan. And let me tell you solemnly today, France will remain engaged in Afghanistan for as long as it takes, because what is at stake in that country is the very future of our values and that of the Atlantic Alliance. Solemnly before you let me say, failure is not an option. Terrorism

will not prevail, for democracies are not entitled to be weak and because we, the free world, are not afraid of this new barbarism. And because of that, America can count on France in its battle on terror.

And again it is together that we must fight against proliferation. Success in Libya and progress under way in North Korea show clearly that nuclear proliferation is not inevitable. And I say this as I stand before you, the prospect of an Iran armed with nuclear weapons is unacceptable for France. The Iranian people are a great people. The Iranian people who come from a great civilization deserve better than the toughened sanctions and growing isolation to which their leaders condemn it. We must persuade Iran to choose cooperation, dialogue and openness. And no one must doubt our determination. We will remain firm and we will engage in dialogue precisely because we have been able to remain firm.

Together we must help the peoples of the Middle East to find the path that will lead them to peace and security. To the Israeli and Palestinian leaders, I wish to say this: Do not hesitate. Take whatever risks you need to take for peace. And do so now, because the status quo masks even greater dangers, that of delivering Palestinian society as a whole to the extremists that challenge in an unacceptable manner the very existence of Israel, that of playing into the hands of radical regimes that are exploiting the deadlock in the conflict in order to destabilize the region, that of fueling the propaganda of terrorists who want to pit Islam against the West. France wants security for Israel. It will not change its position, and it demands that there be a state for the Palestinians. And that is the only way forward for peace.

And it is again together that we must help the Lebanese people affirm their independence, their sovereignty, their freedom, their democracy. No one is entitled to prevent Lebanon to live as a free country. What Lebanon needs today is a broad-based president elected by the Lebanese and in strict respect of its constitution. France will not accept anyone trying to subjugate the Lebanese people.

Ladies and gentlemen, America feels that it has a vocation to inspire the world. America is the world's most powerful country, because for more than two centuries she has striven to uphold the ideals of democracy and freedom. And allow a friend of America to say this to her: This stated responsibility comes with duties, for France and for America, and the first of which is that of setting an example.

Those who love this Nation, which, more than any other, has demonstrated the virtues of free enterprise, expect America to be the very first to denounce the abuses and the excesses of a financial capitalism that sets too great a store by speculation. They expect her to commit fully to the establishment of the necessary rules and safeguards. The America that I love is the one that encourages entrepreneurs, not speculators.

Those who admire the Nation that has built the world's greatest economy and has never ceased trying to persuade the world of the advantages of free trade expect her to be the first to promote fair exchange rates. The yuan is already everybody's problem. The dollar cannot remain solely the problem of others. If we are not careful, monetary disarray could indeed morph into economic war. And we would all, all of us, be its victims.

Those who love the country of wide open spaces, of national parks and protected nature reserves expect America to stand alongside Europe in leading the fight against global warming that threatens the destruction of our planet. I know that the American people and its cities and States are increasingly aware of the stakes and determined to act. Allow me to say, with all the friendship that I feel for America, that this fight is essential for the future of humanity, and we will not be able to achieve the results that we must achieve without America leading this fight for the safeguarding of our planet, of humankind, of the human species. We need America in order to protect our planet and its environment.

Ladies and gentlemen, allow me to express one last conviction: Trust Europe.

Our world is unstable. It is a dangerous world. And I state this as I stand before you, the United States of America needs a strong, determined Europe. The European Union, with the simplified treaty, is about to emerge from 10 years of discussion on its institutions and, therefore, 10 years of paralysis. Europe will soon have a stable president and a more powerful high representative for its foreign and security policy, and I want to explain to you that Europe must now reengage in the major construction of its military capacities.

The aim and objective I am proposing to our partners is based on a simple observation, i.e., there are more crises than there are capabilities to cope with them. NATO cannot be everywhere. The European Union must be able to act as it did in the Balkans and in the Congo and as it will tomorrow in Sudan and Chad. And for that, Europeans must step up their efforts.

My approach, I ask you to believe me, is not an ideological one. My approach is purely pragmatic. Having learned from history, the history I was recalling at the beginning of my statement, I want in the years to come for Europeans to have the means to shoulder a growing share of their defense. And I want to say these two sentences from the bottom of my heart so that each and every one of you should understand what I am referring to. Who could blame the United States for ensuring its own security? No one could. Who could blame me for wanting Europe to ensure more of its own security? No one. All our allies, to begin with the United States with whom we most often share the same interests and the same adversaries, have a strategic interest in ensuring that Europe be able to affirm and assert itself as a strong, credible security partner.

At the same time, and with the same strength of belief, at the same time and likewise being familiar, very familiar with the political history of my country, I want to affirm my attachment to NATO. I say it here at the podium before this Congress, the more successful we are in establishing a European defense, the more France will be resolved to resume its full role in NATO.

I would like France, a founding member of our Alliance and already one of its largest contributors, to assume its full role in the effort to renew NATO's instruments and means of action and, in this context, that it should allow its relations with the Alliance to evolve, just as European defense should grow and evolve. This is no time for theological quarrels. We do not have time on our side. We need to come up with pragmatic responses in order to make our security tools and instruments more effective and operational in the face of crises. The European Union and the alliance of NATO must march hand in hand. Our duty is to protect our fellow citizens, and we will protect them together, a European defense which is credible and strong within an alliance which is renewed.

Ladies and gentlemen, in the long run, I want to say this: I want to be your friend, your ally, your partner. But I wish to be a friend who stands on his own two feet. I wish to be an independent ally, a free partner. Because these are the values that we share together. We need France to be stronger. I am determined to carry through with the reforms that my country has put off for all too long. I will not turn back. I will implement all of them, because France has turned back for all too long. My country has enormous assets. And I want, while respecting its very unique identity, to put my country in a position where it can win all the battles of globalization. I passionately love France, but I am lucid about the work that remains to be accomplished.

It is this ambitious, lucid, farsighted France that I have come to present to you today, a France that comes out to meet America, to renew the covenant of friendship and alliance that Washington and Lafayette sealed in Yorktown.

Together, ladies and gentlemen, let us be worthy of the example she set. Together, let us be equal to their ambition. Together, let us be true to their memories.

Yes, ladies and gentlemen, I say this to you on behalf of the French people: Long live the United States of America. Long live France. Long live French-American friendship.

[Applause, the Members rising.]

At 11 o'clock and 50 minutes a.m., His Excellency Nicolas Sarkozy, President of the French Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Democratic Floor Manager escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 51 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1227

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 12 o'clock and 27 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 31, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Today, the Committee on Transportation and Infrastructure met in open session to consider three resolutions for the U.S. Army Corps of Engineers, in accordance with 33 U.S.C. §542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Enclosures.

DOCKET 2784: DELAWARE COUNTY AND CHESTER COUNTY STREAMS, PENNSYLVANIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Delaware River and its tributaries, Pennsylvania, New Jersey, and New York, published as House Document 179, Seventy Third Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable using a comprehensive, watershed systems approach in the interest of ecosystem restoration, flood plain management, flood damage reduction, water quality control, groundwater and subsidence management, comprehensive watershed management, recreation and other allied purposes.

DOCKET 2785: ILLINOIS WATERWAY, ILLINOIS AND INDIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Illinois Waterway and Grand Calumet River, Illinois and Indiana, published as House Document No. 677, 79th Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, regarding possible alternative locations for disposal of dredged material from the Calumet-Sag Channel Modification and Illinois Waterway, Illinois and Indiana.

DOCKET 2786: WHITE RIVER NAVIGATION, ARKANSAS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on White River Navigation to Batesville, Arkansas, dated December 23, 1981, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, in the interest of navigation, flood control, and environmental restoration including Federally-owned lands within the White River Basin, Arkansas.

DOCKET 2787: VERMILLION HARBOR, OHIO

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Vermillion Harbor published as House Document No. 231, 85th Congress, 1st Session and other pertinent reports, to determine whether changes to the recommendations concerning modifications to the breakwaters contained therein are advisable at the present time in the interest of flood damage reduction and related purposes in the vicinity of Vermillion Harbor, Ohio.

DOCKET 2788: DUTCHESS COUNTY WATERSHEDS, DUTCHESS COUNTY, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on the Wappinger Creek Watershed, Pleasant Valley, New York, authorized in accordance with Section 212 of the Flood Control Act of 1950 (Public Law 516), 81st Congress, 2nd Session, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, storm damage reduction, environmental restoration, navigation, watershed management, water supply, and other allied purposes, in Dutchess County Watersheds, that drain directly into the Hudson River in Dutchess County, New York.

There was no objection.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to fifteen 1-minutes per side.

FILIPINO VETERANS EQUITY ACT

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

Mr. HONDA. Mr. Speaker, as we approach Veterans Day, I rise to urge Congress to support the Filipino Veterans Equity Act. This important piece of legislation will restore U.S. veterans status to the surviving soldiers of the 250,000 Filipinos who were called into military service to the United States Armed Forces by President Roosevelt on July 26, 1941.

Of the only 22,000 surviving Filipino World War II veterans, I want to highlight Faustino ''Peping'' Baclig, who currently resides in Los Angeles, California. Peping was among the 75,000 Filipino and U.S. soldiers subjected to the 90-mile trek from Mariveles to Tarlac, better known as the Bataan Death March. He survived the atrocities of Japanese occupation and fought side by side with the Americans, only to have his service as a U.S. national and a veteran denied by the 1946 Rescission Act.

We now have a unique moment to undo the injustice of that act and give honor and respect to this brave group of veterans. As Peping tells us, though, ''They pay us to die, but they cannot pay us to live.'' For these men, the Filipino Veterans Equity Act will fulfill a promise we denied them for over 60 years, recognition of a grateful Nation that their service to our country is just as equal as the soldiers with whom they stood shoulder-to-shoulder on field of battle.

FUNDING 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. Mr. Speaker, this is day 38. That is 38 days so far that our veterans have not had the use of the increased funding for their benefits and health care. That's $18.5 million a day not able to be used.

In June, this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. On September 6, the Senate completed their

bill. The President has agreed to sign this bill. Instead, the Democratic leadership has decided to use funding for our veterans as a smokescreen in an effort to pass billions in unrelated domestic spending.

Our veterans are not pawns in a political game. They are heroes. These funding issues should have been considered separately and on their own merits. Please join me in calling upon the Democratic leadership to put our veterans first and send a clean Veterans appropriation bill to the President now.

IN SUPPORT OF EQUITY FOR FILIPINO VETERANS OF WORLD WAR II

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

Ms. HIRONO. Mr. Speaker, Filipino veterans are those who answered the call of President Franklin Delano Roosevelt and served alongside our Armed Forces during World War II. They fought shoulder-to-shoulder with American servicemen, and we promised to provide full veterans benefits to them. While we have made some progress toward that goal, we have not yet achieved the full equity that the Filipino veterans deserve.

I am proud to be an original cosponsor of H.R. 760, the Filipino Veterans Equity Act, which, in essence, makes good on the promise that our government made to these brave men over 60 years ago.

Our Filipino veterans are in the twilight of their lives. Of the 250,000 soldiers that fought with us, only 18,000 survive today. Of that number, 2,000 reside in my State of Hawaii.

As we honor our veterans all across the country this Veterans Day, let us include those Filipino veterans who still await a promise unfulfilled.

BIBLES PROHIBITED IN CHINA

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

Mr. McCOTTER. Mr. Speaker, as the world stumbles toward the Communist propaganda extravaganza labeled the Beijing Olympics, somewhere Chairman Mao is looking up at us and laughing.

According to the Catholic News Agency, Bibles and all other religious symbols are among Communist China's list of athletes' ''prohibited objects'' due to ''security concerns.''

Since the leader of the Free World, President Bush, has articulated his eagerness to attend Communist China's Olympics, I am compelled to ask three questions:

Mr. President, how many Bibles will you be taking to Beijing? Will you visit the five bishops and 15 priests in prison for opposing the Communist regime's official church? And will you tell China's Communist tyrants this fundamental truth: No good government denies God's presence.

HONORING OUR VETERANS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to thank our Nation's veterans and their families for their dedication, their service and their sacrifice.

As we approach Veterans Day, I commend the Democratic leadership for working with our Senate colleagues to pass a Veterans appropriations bill last night. This bill is the largest increase in veterans funding ever, $3.7 billion over what the President asked.

This bill will provide our veterans with desperately needed health care services, including funds specifically allocated to treat the rising number of veterans with traumatic brain injury and PTSD.

To date, we have lost more than 4,000 troops and 30,000 troops have been wounded in Afghanistan and Iraq. We must do everything we can to take care of our servicemembers when they come home to their families and their communities, and we will bring them home. But until that day, this Congress will do everything we can to take care of our veterans and their families.

BIPARTISANSHIP

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

Mr. WALBERG. Bipartisanship. You hear this expression tossed around quite frequently in political circles, so much so that perhaps it has almost become a cliche.

Sadly, we don't see genuine examples of bipartisan cooperation in this Chamber enough, and this no doubt disappoints the American people. Over 140 days ago, Democrats and Republicans worked together to pass one of the largest necessary spending increases in the 77-year history of the Department of Veterans Affairs. To ensure the health and well-being of our veterans, this bill is a needed investment veterans care about and the care they need to receive.

Eight weeks ago, a similar version passed the Senate on a bipartisan basis. Instead of allowing the House and Senate to iron out minor differences yesterday, the House leadership insisted that veterans funding be held hostage for a wasteful, pork-barrel spending bill that would increase the deficit by $10 billion.

No doubt this shameful game further disappointed the already jaded public perception of Congress.

Let's get back to bipartisanship and swiftly pass this important legislation in its original form. Then together, on behalf of our veterans, we can all celebrate when it becomes law.

VETERANS FUNDING BILL

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

Mr. ETHERIDGE. Mr. Speaker, as a veteran of the United States, I rise in support of the House bill on veterans funding.

Over the last 5 years, hundreds of thousands of Americans, military personnel, have bravely served this country in Iraq and Afghanistan.

I am proud that North Carolina is home to many of these soldiers and also has one of the highest veteran populations in the country. Unfortunately, VA health care is still not adequately prepared to care for those who are returning from combat. Today, nearly 400,000 veterans are faced with unreasonable delays for their claims to be processed.

Yesterday, this Democratic House once again fulfilled its commitment to our veterans by passing a conference report that is $3.7 billion over President Bush's request for veterans medical care, claims processing personnel and for facility improvements. The conference report includes the largest increase in funding in the 77-year history of the VA to fund these health care needs, as well as funds for 1,800 new processors to alleviate the claims backlog.

Despite a veto threat from this President, who is spending millions of dollars on roads, schools and health care in Iraq and Afghanistan, this House passed the VA funding bill on a vote of 269–142. The Senate should follow our lead, and the President should reverse his course and sign this vital bill into law.

MASTER GUNNERY SERGEANT JAMES PETERSON

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

Mr. BARRETT of South Carolina. Mr. Speaker, a man that is faithful to his family, church and community, MGySgt James Peterson is distinguished and honored as a true American veteran.

His unit invaded Iwo Jima on February 19, 1945, and he fought bravely to see the American flag flown over Mount Suribachi. He then served 30 months in the South Pacific, after which he was assigned to be a drill instructor at the recruit depot in San Diego.

In honor of our veterans who have served and are serving this country now, MGySgt James Peterson of Aiken, South Carolina, is truly an American soldier through and through. Americans are in debt for his service in the Marine Corps, and Mr. Peterson will always be honored as an American soldier who fought to defend American freedom.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT

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

Mr. DEFAZIO. The dollar is dropping like a rock. We're borrowing $2 billion a day from overseas to buy things we don't make anymore. We've lost 4 million manufacturing jobs. Millions of middle-class Americans are seeing their pay stagnant or declining.

Our current trade policy is a dismal failure. It's a failed engine for our economy. Now comes the Peru Free Trade Agreement. The advocates tell you the burgeoning middle class of Peru, all three of them, are going to go out and be a huge market for the goods we don't make in America anymore.

They tout the breakthroughs on modest labor and environmental provisions. Well, the destructive multinational-written chapter 11 provisions remain at the center of this trade agreement. If trade is the engine that drives our economy, it needs an overhaul. Instead, with this bill, we are getting a new hood ornament, some sideview mirrors and a misbegotten cousin of NAFTA as a trade policy.

WELCOME TO FRENCH PRESIDENT NICOLAS SARKOZY

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to welcome French President Nicolas Sarkozy and thank him for addressing the joint session of Congress this morning.

As a person of French heritage, I know we are all grateful for his tribute to American veterans. France was our first ally in the American Revolution, as symbolized by the portrait of Marquis de Lafayette here in the Chamber. France remains an important partner in international affairs and a major investor in the American economy.

I am grateful that the midlands of South Carolina is home to three Michelin tire manufacturing plants. The Associated Press has recognized President Sarkozy as a blunt and uncompromising pro-American conservative.

With his leadership, I am confident our historic alliance will be strengthened as we pursue common goals of global economic development and face down a common enemy in the global war on terrorism.

I look forward to working with my colleagues and our friends of France in promoting our vibrant partnership.

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

''PRESIDENT NO'' ATTEMPTS TO USE VETO PEN AS DISTRACTION FROM HIS FISCAL MANAGEMENT

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

Mr. HODES. Mr. Speaker, over the last couple of weeks, President Bush has turned into President Veto, saying ''no'' to a bill that would provide 10 million children access to health care and then saying ''no'' last week to a bill that would protect the lives and livelihoods of millions of Americans from the devastating impact of flooding.

After 6 years of signing any bill that came to his desk and disregarding the impact legislation would have on our Nation's fiscal well-being, President Bush is now trying to claim the mantle of fiscal responsibility.

Who, exactly, is the President trying to fool? He turned a $5.6 trillion surplus that he inherited from President Clinton into a $3 trillion deficit. That's a reversal of fortune of $8 trillion.

When Democrats took control of Congress, we vowed to restore fiscal sanity, and we began by restoring sensible pay-as-you-go rules. Every bill that we have brought to this floor has complied with these rules, but the President continues to imply that he is more fiscally responsible than this new Congress.

The American people should not and will not be fooled by this change in rhetoric.

THE FRENCH PRESIDENT AND THE AMERICAN SOLDIER

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

Mr. POE. Mr. Speaker, the French president addressed a joint session of Congress today, and he, like General Lafayette before him, talked about the American soldier, the warrior's courage, determination, resilience and love of freedom more than life itself.

As we approach Veterans Day, French President Nicolas Sarkozy's words are appropriate to show how the world, that has benefited from the American GI, view our military.

He said this morning:

''The men and women of my generation heard their grandparents talk about how in 1917 America saved France at a time when it had reached the final limits of its strength.

''The men and women of my generation heard their parents talk about how in 1944 America returned to free Europe from the horrifying tyranny that threatened to enslave it.

''Fathers took their sons to see the vast cemeteries where, under thousands of white crosses so far from home, thousands of young American soldiers lay who had fallen not to defend their own freedom but the freedom of all others, not to defend their own families, their own homeland, but to defend humanity as a whole.''

Mr. Speaker, the world's freedom fighter has always been the American soldier.

And that's just the way it is.

□ 1245

CONGRESSIONAL REPUBLICAN LEADERS ARE NOT COMMITTED TO A STRONGER CHIP BILL

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

Mr. WU. Mr. Speaker, last night big, rich tobacco companies killed health care in Oregon for little poor kids. Now we in Congress must and can do better for our entire Nation.

But Republican leaders refuse to allow bipartisan negotiators to reach a compromise that would give 10 million American children the health care they need and deserve. The Republican leaders' refusal to negotiate only highlights their continued opposition to health care for the children of low-income working families.

Unfortunately, President Bush also remains unmoved by the health care needs of our children. The President has routinely refused to meet with congressional leaders, even to discuss the children's health care insurance program.

While President Bush works against children's health care, Republicans and Democrats will continue to work together to identify a compromise that will afford health care to 10 million American children. A bipartisan majority of us realize just how important it is to ensure that children have access. The health care of the 10 million American children and over 100,000 children in Oregon is simply too important to ignore.

FREE TRADE AGREEMENTS

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

Ms. KAPTUR. Mr. Speaker, every time the United States signs a free trade agreement with a developing country, this time the Bush Peru agreement, we end up outsourcing more wealth and more middle-class jobs. We're already in deficit with Peru under existing conditions. And just like Mexico, when we signed that agreement, we went from a surplus to a gigantic deficit.

If labor provisions in the agreement are so good, why are no trade unions in our country or Peru supporting the agreement? Could it be because the agreement does not require the Peruvians to comply with core labor ''rights'', but rather, with vague and unenforceable labor ''principles'' which are then cleverly placed in the preamble or the declaration of the agreement and not in the enforceable and binding core standards, as do the International Labor Organization conventions?

You know, this week the Peruvian miners are talking to us. They are on

strike; 6,300 miners who mine gold and silver and zinc and copper and molybdenum in that country. They're on strike but the Peru Labor Ministry has ordered them back to work or they will lose their jobs in 3 days. Isn't it time for us to hear the voices of the people of Peru as well as the voices of the people of our own country who have lost so many jobs due to these unfair trade agreements?

Peru doesn't intend to enforce international labor rights.

IMPEACH VICE PRESIDENT CHENEY

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

Mr. KUCINICH. Mr. Speaker, yesterday I brought articles of impeachment before this House. The articles have been referred to the Judiciary Committee, and the people of the United States now have a chance to become engaged in a broad discussion about the importance of this action.

People ask, why now? Well, recently, the administration asked for millions of dollars to be included in the defense budget to retrofit Stealth B–2 bombers with 30,000-pound bombs that can be used to bomb nuclear research labs in Iran at Natans and Bushir. Think of the humanitarian and ecological disaster that would come from that kind of a bombing.

This administration, which took license to go to war based on lies, must be held accountable. And the Vice President must be held accountable for his role in bringing about the war against Iraq and in trying to beat the drums for a war against Iran.

As has been pointed out here, we have so many needs here at home. We have people who are losing their homes, losing their pensions, losing their jobs, losing their health care, and we must bring discipline in this House to hold this administration accountable unto the law, so we can begin to focus on a domestic agenda and stop waging aggressive war.

Impeach the Vice President.

PRESIDENTIAL MEDAL OF FREEDOM RECIPIENTS

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

Mr. COHEN. Mr. Speaker, on Monday, the President issued eight Presidential Medals of Freedom to eight great Americans. It was a beautiful service, and the President did our country proud at that program.

One of the recipients was the Reverend Benjamin Hooks, who's a resident of Memphis, one of my constituents, a great man who rose from a segregated South to the heights of the Federal Communications Commission and the NAACP in this country.

Also honored were Harper Lee, the author of ''To Kill a Mockingbird,'' and Mr. Francis Collins, who did the Human Genome Project. You know, we're 99.9 percent the same, and that's what the Human Genome Project told us.

President Bush asked Rev. Hooks what can we do to move race relations forward. I'll tell President Bush some of the things we can do, Mr. Speaker. We can care about children and pass a children's health care program, many of those children being African Americans and minorities. And we can pass programs that allow for scholarships for young people at Historically Black Colleges and Universities.

There's much we can do, Mr. President. You did good on Monday. Let's keep doing good.

40TH ANNIVERSARY OF THE PUBLIC BROADCASTING ACT OF 1967

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

Mr. CARNAHAN. Mr. Speaker, I rise in recognition of the 40th anniversary of the Public Broadcasting Act of 1967. Congress passed the act to advance both communications technology and quality programming. It now invests in over 1,000 local radio and television stations, providing every American with access to commercial-free educational and thought-provoking programming.

For years, parents in my home of St. Louis, Missouri, have turned to KETC-TV as their children's developing minds are broadened by programs like ''Sesame Street.'' These same parents depend on KWMU for in-depth news coverage of local, national and global events.

With its mission to provide programs which inform, enlighten and enrich the public, the Corporation for Public Broadcasting has contributed to the development of our children, the public's interest, and the understanding of our world and the implementation of a new and better communications technology.

As the bill was signed into law on November 7, 1967, President Lyndon Johnson so eloquently stated, ''While we work every day to produce new goods and create new wealth, we want most of all to enrich man's spirit.'' Thank you to the Corporation for Public Broadcasting for doing just that.

40TH ANNIVERSARY OF THE PUBLIC BROADCASTING ACT OF 1967

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

Mr. BLUMENAUER. Mr. Speaker, I join my colleague from Missouri in saluting the 40th anniversary of Public Broadcasting.

On the floor of the House we're surrounded by controversy on so many issues, but the unique achievement that is our system of public broadcasting really does bring us together.

In those 40 years we've evolved a powerful system with NPR and PBS, through the hundreds of stations around the country, 100 million viewers of public television a week. Many cities around the country especially my own Hometown, Portland, the number one radio station is its public radio station.

We have evolved a national voice that deals with issues of education, of music and public affairs. We've been able to prove empirically that the people who get their news from NPR actually have an identifiable, measurable, more accurate view of what's happening in the world.

Since public broadcasting was established in 1967, the Federal Government has spent trillions of dollars, but there is no investment during those last 40 years that has paid greater dividends for the American people.

SCHIP NEGOTIATIONS

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

Mrs. CHRISTENSEN. Mr. Speaker, what we're hearing about the SCHIP negotiations sounds like this Congress is getting ready to literally throw the baby out with the bathwater.

We started with a less than perfect bill that would have covered close to 6 million children who are eligible. We're now heading to just above 3. And the proposed changes threaten to put up barriers that would even lower that number: removing outreach dollars will never get to the children we need to cover. Requiring proof of citizenship will scare naturalized citizens and the poor that we're trying to cover away.

Taking away authority of States to have income disregards will cause children now covered to lose it. Not covering parents will threaten the health of their children, if they're lucky enough to squeeze through the sieve that the House Republicans are trying to create.

Too little money to the States will keep them from even reaching their most modest goals, and trying so hard to get Republican votes may cause the measure to lose key ones from Democrats.

I'm beginning to think it would be better to just extend the current CHIP until we have more people here who are willing to do what is necessary to ensure that our children have access to good health and the better life that we owe them.

PROVIDING FOR CONSIDERATION OF H.R. 3685, EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 793 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 793

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. 3685) to prohibit employment discrimination on the basis of sexual orientation. 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 Education and Labor. 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. Amendment number 3 in the report of the Committee on Rules may be withdrawn by its proponent before the question is put thereon. 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. 3685 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 793.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 793 provides for consideration of H.R. 3685, the Employment Non-Discrimination Act of 2007, under a structured rule.

The rule provides for 1 hour of general debate controlled by the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

The rule makes in order three amendments that are included in the Rules Committee report. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, I am proud to rise today in support of the Employment Non-Discrimination Act of 2007 and passage of this rule. By passing this bipartisan legislation today, the House of Representatives will take another step, important step, towards equality for all Americans.

During the 230-year-plus history of our great Nation, the march towards equality under the law for all of our citizens has sometimes been slow, but it has been steady. Over time, Congress has outlawed discrimination in the workplace, based upon a person's race, gender, age, national origin, religion and disability, because when it comes to employment and hiring and firing and compensation and promotion, these decisions are rightly based upon a person's qualifications and job performance.

□ 1300

Sometimes the fight for equality has been slow in coming indeed. This legislation that outlaws job discrimination based upon sexual orientation that the Congress will pass today was first introduced over 30 years ago.

It is long past time to ensure that no one in our country can be discriminated against and fired from their job based upon who they are, whether it is their race, their color, whether they are a man or a woman, or whether they are gay. Private companies across America know this and are way ahead of the politicians here in Washington.

Many of our neighbors back home would be shocked to learn that millions of Americans can be fired from their jobs or refused work or paid less and otherwise subjected to employment discrimination without regard for the quality of their work and without any recourse under Federal law. While many States, cities, and counties across the country have outlawed job discrimination on their own, many States and localities have not. I am proud that the cities of Tampa and St. Petersburg that I represent have outlawed job discrimination against gays and lesbians, but our counties have not, unfortunately.

The Employment Non-Discrimination Act protects all Americans, no matter where they live, by making it illegal to fire, refuse to hire, and refuse to promote employees based upon a person's sexual orientation. See, in America no person should have to worry about the security of their job because of their sexual orientation. Our country bases employment evaluation on hard work and on a job well done. Making employment decisions on anything else is unacceptable. In fact, 90 percent of Fortune 500 companies in the United States have adopted policies similar to the legislation that the Congress will pass today. And a broad coalition of businesses and community organizations strongly support this landmark civil rights legislation, including the Human Rights Campaign; the Anti-Defamation League; Central Conference of American Rabbis; the National Education Association; the Leadership Conference on Civil Rights; and, I am proud to say, the NAACP.

I am proud that this Congress will stand up for equality for all Americans and stand behind our values and understanding that we do not discriminate against our neighbors for any reason, and we should be able to live comfortably with the knowledge that our neighbors will not discriminate against us. The passage of this legislation will remove a legitimate fear that exists among us that we may lose our job and be unable to provide for our families when someone decides to exercise intolerance and prejudices against us and our neighbors in the workplace.

Thanks to extraordinary leaders in Congressman BARNEY FRANK, Congresswoman TAMMY BALDWIN, Chairman GEORGE MILLER, Congressman ROB ANDREWS, Congressman CHRIS SHAYS, Congresswoman DEBORAH PRYCE, and so many others that will stand up for Americans here in this body today and pass this law, I thank them for their leadership and their commitment to equality for all Americans. And I agree with them that passing this historic nondiscrimination act will bring our Nation closer to our goal and our promise of equality for all Americans.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, Federal law bans job discrimination based on race, color, national origin, or gender. In addition to Federal law, 11 States have passed laws prohibiting discrimination on the basis of sexual orientation and gender identity, while another eight States bar discrimination on the basis of sexual orientation.

The Employment Non-Discrimination Act would extend Federal employment discrimination protections to employees on the basis of their actual or perceived sexual orientation.

Mr. Speaker, I strongly oppose discrimination in the workplace, and I believe that skills and job performance are essential for determining whether employees are hired, promoted, or dismissed. However, I do not think it is the place of the Federal Government to legislate how each and every workplace operates. As a former small business owner, I know that what brings success

to one company does not necessarily bring success to another.

As I mentioned, a number of States have enacted State laws in this area. That is their right as States. Many small businesses and large corporations have chosen to adopt their own policies. That is appropriate as well, Mr. Speaker. This bill as written, though, raises a number of concerns, including that it would expand Federal law into a realm where perception, Mr. Speaker, would be a measure under discrimination law.

On Monday, my colleagues on the Rules Committee and Members testifying before the committee pointed out that debate on the bill, at least in committee, had been productive and a respectful one. Mr. Speaker, I am truly disappointed that moments later, the Democrat-controlled Rules Committee chose to report out a rule that denies the House and the American people the opportunity for a full and fair debate by prohibiting 99 percent of the Members of the U.S. House the opportunity to come to the floor and offer amendments.

For the last 2 weeks, Democrat leaders have had the opportunity to amend, alter, and change this bill. This editing and rewriting has been done behind closed doors and is contained within the Miller-Stupak amendment. Democrat leaders have acted to deny a public debate and to deny Republicans the opportunity to offer an amendment similar in scope to the Miller-Stupak amendment. This is not an open and honest way to run the House, and it is not what Democrat leaders promised the American people only a year ago.

This rule only makes three amendments in order, Mr. Speaker, but buried in this rule there is a special provision, a special provision, that allows amendment No. 3 in the report of the Committee on Rules to be withdrawn by its proponent before the question of adoption.

Mr. Speaker, what does this mean? It means that the Rules Committee decided to make three amendments in order but denies the House a vote on one of those amendments. I just have to wonder why the Democrat Rules Committee is denying a vote on this amendment. My friend from Florida was up there, and I would yield to the gentlewoman from Florida if she can tell me why this provision is in the bill to deny the House a vote on amendment No. 3.

I would yield to my friend if she would explain this for me.

Ms. CASTOR. Mr. Speaker, I am happy to answer.

I do wish Ms. BALDWIN would allow a vote on the amendment. I strongly support the amendment, as many of those in the Congress do. But this was her request, and this is the way the rule has been structured.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman for giving me that option. I can't remember how many times I have been in the Rules Committee talking about and asking Members who come forward with potential amendments what their choice would be, would they like to have an open rule or would they like to have a closed rule. And every time I hear, at least from the members of the Rules Committee, that the Rules Committee will decide.

Now, it sounds in this particular case that one Member decided that she didn't want a vote on it, so we deny everybody in the House an opportunity. The gentlewoman said that she would like to be able to vote on this. I will give her the opportunity to do so.

Mr. Speaker, I have to say I have served on this Rules Committee for a decade, and I cannot recall one instance when Republicans were in control that a rule allowed a Member to bypass House Rules and withdraw an amendment. I believe it is wrong for a substantive legislative issue to be raised on the floor only to deny Americans, through their representatives, a voice on that amendment.

Let's be clear about what is happening here. And that is that the rules of the House are being altered to block the House from voting on this amendment. It is clear and simple. We were elected to represent our constituents by casting a vote and votes, and today Democrat leaders are denying us a vote. I am extremely concerned with this unprecedented rule and I have an amendment, and I hope the gentlewoman will support me. My amendment would, in section 1 of the resolution, strike the sentence which begins, ''Amendment No. 3 in the report of the Committee on Rules.''

Mr. Speaker, I ask unanimous consent that the resolution be amended to reflect the change as offered in my amendment.

Ms. CASTOR. I object.

The SPEAKER pro tempore. Does the gentlewoman from Florida yield for that request?

Ms. CASTOR. No, I do not.

Mr. HASTINGS of Washington. Mr. Speaker, did I hear objection?

The SPEAKER pro tempore. The gentlewoman from Florida did not yield for that request.

Mr. HASTINGS of Washington. No, the question I have, I ask unanimous consent that the amendment be considered and adopted.

Ms. CASTOR. And I object.

The SPEAKER pro tempore. The gentlewoman from Florida must first have yielded for that request. She has yielded for debate only.

Ms. CASTOR. And I do not yield.

Mr. HASTINGS of Washington. Is my amendment now before the body?

The SPEAKER pro tempore. No. The gentlewoman from Florida yielded for debate only.

Mr. HASTINGS of Washington. Does the gentlewoman yield to me so that I can offer the amendment?

Ms. CASTOR. I do not yield.

The SPEAKER pro tempore. The gentlewoman from Florida does not yield for that purpose.

Mr. HASTINGS of Washington. I just want to make this clear, Mr. Speaker. I am asking unanimous consent to have the amendment that I described be considered. Now, if I have to engage the gentlewoman for that determination, I would be happy to do so, but I am asking unanimous consent that that be done. I am just asking for a ruling on this.

The SPEAKER pro tempore. The gentlewoman has yielded for the purpose of debate only. She did not yield for the purpose of propounding a unanimous consent request.

Mr. HASTINGS of Washington. So, Mr. Speaker, the way I understand your ruling, then, is that I hear no objection; so, therefore, my amendment should be made in order, and I would like to move the proper procedure as I don't hear any objection.

The SPEAKER pro tempore. The gentlewoman from Florida did not yield for the purpose of offering an amendment.

Mr. HASTINGS of Washington. So there has been an objection?

The SPEAKER pro tempore. No. The Chair cannot entertain the gentleman's request unless the manager of the resolution has yielded for that purpose.

Mr. HASTINGS of Washington. Will the gentlewoman yield? Did she reserve the right to object and would she yield at least to explain why she objected?

The SPEAKER pro tempore. All time was yielded for debate only. The gentleman is not entitled to propound that form of unanimous-consent request unless yielded to for that purpose.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Parliamentary inquiry, Mr. Speaker.

If I attempt to amend this, what procedure would I go through in order to try to amend this rule?

The SPEAKER pro tempore. If the previous question were defeated, an amendment could be offered.

Mr. HASTINGS of Washington. Further parliamentary inquiry. Then the only means I have is through the previous question and not to ask unanimous consent?

The SPEAKER pro tempore. Or if the gentlewoman yields for that purpose.

Mr. HASTINGS of Washington. Will the gentlewoman yield so I can ask unanimous consent to amend the rule?

Ms. CASTOR. I thank my colleague, but I will not yield at this time.

The SPEAKER pro tempore. The gentlewoman has not yielded.

Mr. HASTINGS of Washington. I understand.

Well, if that's the case, then, Mr. Speaker, I accept the ruling, and I wish I had a more full description of why there is a problem not at least allowing potentially a vote on amendment No. 3.

Mr. Speaker, I have no other choice but to ask my colleagues, then, later on today to defeat the previous question so that I can amend the rule by striking the language that I described that allows the proponent of amendment No. 3 to withdraw their amendment before a vote.

□ 1315

So, just let me be clear. When I offered this motion, by voting ''no'' on the previous question, Members will, therefore, be allowed to show their support or opposition on amendment No. 3, which would expand the bill's protections to persons discriminated against based on gender identity. This is defined in the amendment as ''gender-related identity, appearance, mannerisms or other characteristics of an individual, with or without regard to an individual's designated sex at birth.'' Now, Members who choose to say ''yes,'' then, on the previous question would, therefore, be showing their support for denying Members of this House an opportunity to vote on that issue.

So, Mr. Speaker, I would urge, and I will talk about this later, but I urge my colleagues to vote ''no'' when I offer that motion on the previous question.

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

Ms. CASTOR. Mr. Speaker, I am proud to yield 2½ minutes to a Member of Congress that continuously and forcefully speaks out for equality for all Americans, Congresswoman BARBARA LEE from California.

Ms. LEE. Let me thank the gentlelady for yielding, for her leadership, and for her fairness and her diligent work on the Rules Committee. Also, I want to thank Chairman BARNEY FRANK and Congresswoman TAMMY BALDWIN for their hard work in bringing this bill to the floor today.

First let me say that I was on the floor two nights ago, and Members of Congress so eloquently reminded us that this is National Bible Week. So as one who believes in the Scriptures, as a Christian, and as one who embraces what everything, Democrats and Republicans, were talking about the other night as it relates to love thy neighbor as thyself, we are responsible for the least of these. I know for a fact, like all of you know for a fact, that discrimination against anyone, and I mean anyone, is morally and ethically wrong, and it goes against the teachings of all of our great religions.

The Baldwin amendment, which recognizes that transgendered Americans should have all of the protections and the rights of any person in America, should be included in this bill. It should include the Baldwin amendment. Because if we believe in who we are as a country, and if we believe that discrimination is wrong against anyone, then how in the world can we leave out a significant number of Americans in this bill?

So, if it becomes law, transgendered Americans will still face discrimination in the workplace. And we must not let up until we ban discrimination against everyone.

I just want to say, in closing, that gender identity should not be allowed in terms of discrimination in terms of the laws that we pass. We should not allow discrimination against anyone based on gender identity, based on sexual orientation, based on race, religion, age.

This is America. This is America. And I think that the Baldwin amendment would take us one step closer to being the country and the America that we all believe in and that we all love.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1½ minutes.

You were speaking, if I heard you correctly, on the Baldwin amendment. Now, the way the rule is structured, there is potential for not a vote on that amendment. I'm going to offer a motion on the previous question to allow that to be voted. Now, if I understood what the gentlelady was saying in her remarks, she would like the opportunity to debate that and presumably vote on that. So I would hope that the gentlelady would join me in voting ''no'' on the previous question.

I yield to the gentlelady.

Ms. LEE. What I'm saying is I think that the Baldwin amendment should be part of the bill that we are debating today. I believe that discrimination against anyone in our country is wrong based on any——

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, I hope the gentlelady then will join with me in defeating the previous question so, in fact, we can have a vote on that amendment.

Ms. LEE. As I said earlier, I believe that discrimination against anyone is wrong in our country, and especially discrimination based on gender identity.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 4 minutes to the chairman of the Financial Services Committee, a gentleman who has devoted a large part of his career to fighting discrimination and prejudice in the workplace, BARNEY FRANK from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am impressed by the sincerity of the gentleman from Washington's advocacy on people who are transgender, and I hope that as we contemplate this strategy today people will fully examine that.

I regret the fact that there do not appear to be the votes in this House to include people who are transgender. And I am struck by the eagerness, frankly, of some people to use that group as a weapon with which to defeat the whole bill because these are people who are opposed not only to the inclusion of people who are transgender, but who have historically been opposed to including any protection for people at all.

I will yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

If the gentleman was listening to my remarks, I know he came in, unfortunately, after I had started making my remarks, but my whole point was suggesting that we have a process here where we can dispose of the measure, either for or against. That's all I'm saying.

Mr. FRANK of Massachusetts. I take back my time. That's all the gentleman said, but the effect would be to try to undermine the bill. When people who are opposed to the basic bill and opposed to the amendment lament the chance not to vote on an amendment which would undermine the bill, people should understand where we are.

I filed the bill that included people who are transgender. And earlier this year, I was very proud when this House passed a hate crimes bill which explicitly included people who are transgender. My recollection is the gentleman from Washington voted against that.

We are in the following situation in this country: We have had prejudices of various sorts. Sadly, prejudice increases as difference increases. We have made progress in, I believe, disputing the prejudice against people, like myself, who are gay. We have not, lamentably, made as much progress in people who are transgender. I agree that the argument is there for including everyone. I agree that there was an argument for including legal immigrants in the SCHIP bill.

The question we have is this: If we do not have the votes to go forward with as much as we would like to do, do we then abandon any effort? And do we allow those who are opposed to any progress at all in the anti-discrimination fight in this area to use a particular group as a way to prevent progress?

Mr. Speaker, I've been voting on anti-discrimination measures for 35 years when I first joined the legislature, and I have voted repeatedly to extend the protection to groups of which I am not a member, based on ethnicity, based on race, based on disability, based on age. I am now a beneficiary of the age one, but I wasn't when I voted for it. And I wish we had the votes in this House to ban discrimination of all sorts. I also wish that I had as much energy today as I did when I voted to ban AIDS discrimination when it wasn't eligible. I wish I could eat more and not gain weight. I wish a lot of things. But I will not act on my wishes irresponsibly.

I hope we will go forward today and do as much as we can. I believe that if we are able to muster the votes to tell millions of Americans who are gay and lesbian that they are not bad people, that it is not legitimate to fire them simply because of who they are, the message we send to those people, the message we send to high school students who go to school each day fearing the kind of torment that they will confront, that that will be the most significant advance we have made in fighting prejudice since the Americans with Disabilities Act. I wish we could do more. And if we are able to do this, I will continue my efforts to do more.

I am glad to see more recruits now to the effort to protect people who are

transgender. I wish they were there when many of us were fighting many years ago.

I will make this prediction, that if we go forward today and adopt legislation that bans discrimination based on sexual orientation but does not ban discrimination based on gender identity, some of us will continue to fight to protect people based on gender identity, and many of those seeking to use that issue today will be our opponents as we go forward trying to do it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

I appreciate my friend from Massachusetts for yielding to me and at least airing in a brief exchange where I was trying to explain my position base was on the procedure and the rule. He took back his time. And while I think he may have conceded that that's what I was talking about, he said something to the effect of that's not what you meant. Now, I think he is expanding what my thought process is, but I do appreciate the gentleman for at least yielding to me.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HASTINGS of Washington. I will yield to the gentleman.

Mr. FRANK of Massachusetts. I simply wanted to point out that this proposal that we be allowed to vote on this issue comes from people who are opposed to it in all regards and who understand that the effect of that procedure would be to undermine our ability to make any progress at all.

Mr. HASTINGS of Washington. Reclaiming my time, I have a great deal of respect for the gentleman from Massachusetts, and he is one chairman who regularly comes to the Rules Committee and wants to have a full and open debate.

I think that the gentleman would have to concede that this is a very unusual step where we are self-building into the rule an opportunity to deny a vote on an amendment that was made in order. That is contrary to what I've heard the gentleman say many times.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. HASTINGS of Washington. Sure, I would be happy to yield.

Mr. FRANK of Massachusetts. Yes. The rule gives the opportunity to the supporters of including transgender inclusion the right to make that decision, not its opponents.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

This is a very, very unusual procedure. And the whole point of a body like the United States Congress is to debate and dispose of issues. We are being denied that under the rule.

I yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in opposition to H.R. 3685, the Employment Non-Discrimination Act, and the rule that we have before us today. Primarily, I'm opposed to the measure's unclear wording that could easily lead to wide-ranging and serious consequences.

This bill would prohibit discrimination, which is a good thing, on extremely hard-to-define measures such as an individual's perceived characteristics. I think it's the perception and the ''perceived'' language in here that is very troubling to me as a former small business owner with up to 15 employees. It would be impossible for employers to operate a business while having to worry about being accused of mistreating someone based on the employee's ''perceived characteristics.'' This ill-conceived, vague language is nothing more than a golden ticket for America's trial lawyers. This loose wording is also an invitation for accusations by disgruntled employees who want to take advantage of a poorly constructed law.

Like all of my colleagues, I believe congressional policies should strive to promote a tolerant society. I believe many Members, including myself, would vote for it without the ''perception'' language in it.

The gentleman from Massachusetts spoke before very eloquently, as he always does, and he said, our laws should not say that gay people are bad people. That's not what this bill says, nor has any bill that has come before us ever said that. When people that I come in contact with begin to disparage individuals who may be gay, I point out to them that, you know, you don't know whether your Aunt Jen, our son Bill, your grandson Paul or your granddaughter may be gay, so it's inappropriate.

You know, it's inappropriate to make disparaging comments about anyone who is gay because people really don't know the people around them, whether they are or whether they're not, and it's really none of their business.

□ 1330

However, when that quest for intolerance in this bill leads us to costly and irresponsible ends, I think we must rethink the legislation. At a time when America faces so many challenges, the last thing Congress needs to be doing is finding a way to hand trial lawyers an avalanche of litigation to cash in on. I urge my colleagues to oppose this poorly drafted legislation. Let's go back to the drafting board with this.

Ms. CASTOR. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentlewoman for yielding.

Mr. Speaker, I am committed to the passage of an ENDA that protects lesbian, gay, bisexual and transgender employees. I have been a lead sponsor for proposals like ENDA every year since I became a member of the New York State Assembly 30 years ago. I am a proud original cosponsor of the original ENDA bill that would protect the entire LGBT community.

I believe that civil rights are best advanced by bringing forward a bill that adequately protects all members of the LGBT community. While this may be risky, it is not reason to accept defeat before the fact and to leave behind members of the community who desperately need protection against employment discrimination.

As we have seen in many States, the failure to include transgender people in civil rights legislation from the beginning makes it more difficult to extend protections later. My own State of New York, which enacted employment protections for lesbians and gays, has yet to extend these protections to the transgender community.

The Senate has yet even to introduce its version of ENDA. Indeed, even if Congress were to adopt a noninclusive ENDA, the President has already pledged to veto this legislation. So it is not a question, as the gentleman from Massachusetts said, of now choosing to protect a great number of people and leaving behind a smaller number of people as the price of so doing because we cannot pass this legislation into law and protect anyone this year, unfortunately. We must look to the future when we have a President who will support equality. I believe it is important we take a principled stand now and speak with a strong and united voice for equal rights for all Americans, whether they are lesbian, gay, bisexual or transgender in order to maximize the chance that when we can enact an ENDA bill into law, it will be an inclusive bill that protects everyone's rights. And we must better educate lawmakers and the public about the issues of gender identity and expression.

While I may disagree with some of my colleagues on strategy, I assure you that we are united in support of the ultimate goal, protection from employment discrimination for the entire LGBT community. No one should underestimate the strength of that common commitment or our dedication to seeing it realized. Transgender Americans, because of a lack of familiarity and understanding, are more likely to face employment discrimination and, therefore, more in need of protection from irrational discrimination that an inclusive ENDA would afford.

And removing gender identity from ENDA may also leave lesbian and gay employees vulnerable to discrimination for failing to conform to gender stereotypes. In other words, some employers and courts may take an overly restrictive view that an exclusive ENDA fails to protect lesbians who appear ''too masculine'' or gay men who appear ''too effeminate.'' That is not our intent, nor do we believe it is an accurate reading of the bill, but congressional intent does not always carry the day. Splitting sexual orientation and gender identity disserves the entire LGBT community and invites the kind of legal mischief that has undermined other civil rights laws.

The fundamental issue is this: There are still too many places where it is entirely legal to discriminate against lesbian, gay, bisexual, or transgender employees. We must bring an end to this unfair, unacceptable and un-American situation.

When the House considers ENDA today, I will support the amendment introduced by Congresswoman BALDWIN to restore the protections from discrimination based on gender identity. Should that amendment fail, I will not be able to vote for the underlying bill because it fails to uphold adequately the American values of fairness, equality and inclusion, but I will continue to fight for a proper ENDA bill that includes all the people who need its help.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 7 minutes to a classmate of mine, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my distinguished friend from Washington.

Rather than comment generally on the bill here, I am going to focus on the rule. I will talk later on the bill itself.

As a senior member of the Education Committee, we went through this debate in committee, and I find it reprehensible that the process we have been following increasingly in this House is to shut off debate, that ironically in a bill that is supposedly expanding rights, we have another narrowly drawn rule that deprived me of offering several amendments that I offered in committee, has a gerrymandered rule for another amendment that is unique in history, has several others put in in the Rules Committee that are very unclear.

Let me go through a number of these different amendments. I offered an amendment in committee that was unanimously opposed by the Democrats in committee to eliminate the word ''perceived.'' This is a legal nightmare. There is no other law. There is talk about how ADA has some things vaguely familiar. But it does not say ''perceived.'' How in the world are you going to define ''perceived''? As anybody who has any friends who have worked with and been acquainted with people who have a homosexual lifestyle, there are all types. This is open-ended. There is no list here of what is perceived to be homosexual. How is an employer supposed to figure out whether it is perceived? Does that mean if he is a Christian and has made statements, somebody can file a suit because they perceived they were discriminated, not based on any kind of actions that occurred but something that was perceived? This is a legal nightmare and a precedent that is absolutely terrible, and we can't even vote. We can't even have a vote to strike the word ''perceived'' and have a full debate on the word ''perceived.'' What kind of an open process is that in the House?

I also had an amendment that would have provided some protection for Christians who have strong views in the workplace and will insert into the RECORD at this point a number of cases. An AT&T employee was fired because he wouldn't sign a statement that contradicted his religious beliefs on accepting homosexual behavior. A man was fired at Red Cross for not participating in Gay and Lesbian Pride Month and forcing him to observe that. Others have been fired for other reasons.

The question is not whether you can harass somebody in the workplace. That is already illegal. If you mock somebody, that is already illegal. If you commit a hate crime, that is already illegal. The question is, can you as a Christian express your views and not be persecuted? That, yes, in a sense it is at least a plurality of Americans profess Christianity, a smaller percent conservative Christianity, but we are moving so far as to restrict the rights in the workplace of Christians' even ability to hold or say anything about their views. People can't even have Bible studies in some places it has been ruled because that would be offensive to homosexuals in the workplace based on this law in some cities and have been upheld in the court.

Now, moving past the two amendments that were unanimously defeated in committee and then we weren't allowed to debate as a whole House, we have an amendment that was added in response to another amendment from PETE HOEKSTRA in committee that would have exempted Christian colleges. It was unanimously defeated by the Democrats in committee. Then suddenly in the Rules Committee we have it added with a religious exemption. The problem with the religious exemption, and here I would like to put into the RECORD a number of cases that show the problem with this. Loyola University was deprived of a religious exemption because even though it was founded by Jesuits, its charter requires its president to be a Jesuit and more than one-third of their trustees, they were denied because they didn't meet one of those criteria. A Friends School, a Quaker school, was denied a religious exemption because it had to have multiple proof that everybody there was Quaker and was following every rule. A private religious school was denied for similar type things. A business that wanted to run as a religious world view was clearly denied the religious exemption. An orphanage by the United Methodist Church was denied the ability because it had gone secular. They wanted to come back and be a Methodist church again and they were denied, and these were all court decisions, because they were no longer purely Methodists and they didn't have a right to go back and be Methodist. This is in addition to the 2,500 Christian bookstores in America. Only 14 percent are run by a church. Eighty-six percent are either for-profit or not primarily religious organizations.

Under this bill, they will be forced to hire homosexuals regardless of the personal views of Christian bookstores. This is going to happen in various independent organizations that are quasi-part of the church. Sometimes the church will operate a for-profit entity, that runs as a for-profit entity, that would not be predominantly for a religious purpose, but the proceeds go to the church, therefore, they will implement their church beliefs in it, even though it is a for-profit entity. None of that is exempted under this. We didn't even get a chance to debate this amendment. It just came in in the rule.

Now, we move to another amendment that suddenly appeared, or I guess we will be debating here on marriage. Somehow in response to debate in committee, they are saying that this won't affect the Defense of Marriage Act. This is another lawsuit amendment because that is directly contrary to the fundamental part of the bill. My amendment tries to address part of this, but quite frankly, it is a legal quagmire.

Then we come to amendments that are allowed. We have had some debate on this gender equity for transgender and transvestite. Now, the challenge here is not whether you favor it or are against it. I heard my friend from New York say he was going to vote for it. He can't vote for it. We are not allowed to vote for it. We have been banned from having a debate. What happened to the day when we have a debate, you win or lose? To come in unprecedented, I have never heard, as a staffer or a Member, a rule coming in prohibiting in the rule a vote. This is an in-your-face tactic as part of this bill to not let us debate the religious underpinnings and the religious stuff, not debate ''perceived,'' not debate protections for people who are individuals, not have a vote on transgender, and it's 5 minutes on each side to even debate it.

This is an abominable rule. It is a precedent-setting, terrible, terrible rule. I urge people to support my colleague Mr. HASTINGS' motion on the previous question and to vote against that so we can have some amendments to this rule and then vote against this abominable rule because it sets precedents we will regret for a long, long time no matter which party is in the majority.

EXAMPLES OF DISCRIMINATION AGAINST RELIGIOUS EMPLOYEES

Christian employees who read Bibles during ''diversity training'' reprimanded and spend four years in lawsuits to obtain reversal. The ACLJ filed suit in April 1998 against the Minnesota Department of Corrections on behalf of Thomas Altman and Ken Yackly to force their employer to rescind the reprimands they received in 1997 after they silently read their Bibles at a state-mandated training session called ''Gays and Lesbians in the Workplace.'' The employees contended that the training session was little more than a state-sponsored indoctrination aimed at changing their religious beliefs about homosexuality. Four years later, and several appeals later, the employees were finally vindicated.

AT&T employee in Denver fired for refusing to sign company-required pledge to recognize, respect and value sexual orientation

differences within the company. In January 2001, an employee of AT&T was required to sign a new AT&T Broadband Employee Handbook with policies that conflicted with his religious beliefs by condoning the homosexual lifestyle. After notifying his supervisor that based on his religious belief he could not sign the certificate of understanding, he was fired.

Christian firefighter suspended for handing out tract entitled ''The truth about homosexuality.'' Madison, Wis., firefighter Ron Greer nearly lost his job for giving his colleagues a tract entitled, ''The truth about homosexuality.'' He was suspended and ordered to attend diversity training for violating the city's anti-discrimination code.

Hospice worker fired by gay supervisor for expressing Christian beliefs about homosexuality. Debra Kelly, a former hospice worker in Philadelphia, was fired for expressing her Christian beliefs about homosexuality. Her supervisor, a supporter of ACT–UP, a militant homosexual group, said Kelly was intolerant and unsuited for her position.

At Hewlett Packard's plant in Boise, Idaho, an employee with a 21-year record of meeting or exceeding expectations was fired for refusing to remove Bible verses about homosexuality from his cubicle. The employee allegedly posted the Bible verses in response to a poster near his cubicle that he perceived to be promoting GLBT relationships. HP openly admitted that its reasoning for firing the employee was ''his overt opposition to HP's Diversity Advertising Campaign.''

Man fired by American Red Cross for not celebrating homosexuality Michael Hartman was employed by the Red Cross in San Diego. The company sent a mass e-mail to all employees in 2005 promoting ''Gay and Lesbian Pride Month,'' urging them to ''observe'' the celebration. Hartman, a Christian, communicated his religious objections to his supervisors and was promptly called in and told his communication was ''inappropriate.'' Hartmann was fired.

Oakland city employees posting a flier on a company bulletin board forced to remove flier and threatened with discipline. Oakland, Calif., city employees Regina Rederlord and Robin Christy formed a group called the ''Good News Employee Association'' and posted a flier on a company bulletin board advertising a ''forum for people of faith to express their views on contemporary issues of the day, with respect for the natural family, marriage and family values.'' After a lesbian employee complained of being offended by the flier, the city removed the flier and threatened the two women with adverse employment action for placing the fliers ''in public view which contained statements of a homophobic nature and were determined to promote sexual orientation based harassment.'' A federal court upheld the city's action.

In Portland, Maine, city officials canceled a $60,000 grant for a Salvation Army meals-on-wheels program for senior citizens. Why? As a Christian denomination, the Salvation Army won't provide marital benefits to homosexual employees, thus running afoul of the city's ''sexual orientation'' law. When the Portland's ''sexual orientation'' ordinance was introduced, proponents argued, as they do often today, that it would merely ensure that ''people won't be fired for being ''gay.''

A District of Columbia human rights commission ordered Georgetown University, a Catholic college, to violate church doctrine and sponsor a pro-homosexual group on campus. A court agreed, saying the District's ''sexual orientation'' law overrode the school's religious freedom. It didn't matter that neither ''sexual orientation'' nor sodomy are protected in the Constitution or that religion is specifically protected. In the hands of the judges, ''sexual orientation'' takes on a life of its own.

In 2003 Atlanta Human Rights Commission ordered a local golf club to extend spousal rights to gay member partners, Thankfully officials intervened, and the Georgia legislature promptly passed a law exempting private clubs from local anti-discrimination obligations.

In June, 2001, The District of Columbia's Commission on Human Rights fined the Scouts $100,000 and ordered them to reinstate two openly homosexual leaders. That decision was overturned in court, but the Scouts paid heavy legal fees.

In Arlington, Virginia, a video duplicator had been ordered by the Arlington County Human Rights Commission to produce video material for a lesbian activist or pay for someone else to duplicate the videos. The videos Vincenz wanted duplicated were two documentaries entitled: ''Gay and Proud'' and ''Second Largest Minority''. Tim Bono, argued that he could not, in good conscience (him being a Christian), produce material that promoted homosexual activity.

In 2006 the 9th Circuit Court in California ruled last year (06) that members of a Christian employees group for the city of Oakland could not use words like ''marriage,'' ''natural family,'' or ''family values'' in email correspondence or on posters in city offices where a wide variety of groups are allowed to post. The 9th circuit panel decided that such words were akin to hate speech because they made homosexual city employees uncomfortable.

CASES WHERE COURTS WRONGLY DENIED RELIGIOUS EXEMPTION

Fike v. *United Methodist Children's Home of Virginia, Inc.*, 547 F. Supp. 286 (E.D. Va. 1982)—an orphanage founded by the Methodist Church, trustees required to be Methodists, sought to teach Christian doctrine and belief to the children. New President sought to take group in more secular direction and was fired, despite the entity's desire to recapture its original founding mission to be a thoroughly Christian (and Methodist) charity service. Court held it had become too secular in the interim, and denied religious exemption.

Pime v. *Loyola University*—Catholic University denied the general religious exemption under Title VII despite the fact that it was founded by Jesuits, its charter requires its President to be a Jesuit, and more than one third of its trustees are Jesuits.

Doe v. *Abington Friends School*, 480 F. 3d 252 (3d Cir. 2007)—religious school run and funded entirely by Quakers not entitled to early dismissal on religious exemption grounds in an Americans with Disabilities Act case, but was required to submit to extensive discovery demands of the plaintiff.

EEOC v. *Kamehameha School/Bishop Estate*, 990 F.2d 458 (9th Cir. 1993), *cert. denied*, 114 S. Ct. 439 (1993)—private Protestant religious school denied Title VII religious exemption even though it had numerous religious characteristics and activities.

EEOC v. *Townley Eng'g & Mfg. Co.*, 859 F. 2d 610 (9th Cir. 1988)—no exemption for manufacturing company whose owner had a clearly religious world view and wanted it to permeate the workplace.

Ms. CASTOR. Mr. Speaker, the Employment Non-Discrimination Act is sensitive to religious organizations and our fundamental religious beliefs and tenets, and it includes a very broad religious exemption. In fact, we are going to debate later on the Miller amendment that, if adopted, would make clear that ENDA exempts the same group of religious organizations that are currently exempt from prohibition on religious discrimination under title VII of the Civil Rights Act of 1964.

Now, we know not everyone, not every employer will agree that gay people should be protected from employment discrimination. But for the betterment and advancement of our society as a whole, ENDA would overrule that judgment so that Americans are treated fairly and equally. But nothing in ENDA or in any civil rights law that has come before us in the history of this country affects the ability, the God-given right of a person to hold contrary beliefs based on religion or otherwise.

At this time I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this is one of those moments where the House gets to demonstrate the degree to which we are truly committed to the unfolding of 14th amendment rights to due process and equal protection of the law. We get a chance to determine that today. I believe that people who happen to be gay, lesbian, bisexual or transgender are entitled to the full and equal protection of employment laws.

The principles behind the original draft of ENDA sought to embrace the fullness of a community which has experienced significant undermining of rights in the workplace. None of us can know, unless we have walked in somebody's shoes, but let's imagine for a moment that someone who presents himself or herself as being of another sex or gender, imagine what they must go through in their daily lives. And imagine we who take an oath to defend the Constitution would somehow separate the people from the claims of justice and from the claims of constitutional protection.

□ 1345

We all love this country. We all love being Americans. But to be an American means really standing for those constitutional principles and really understanding that life, liberty and pursuit of happiness are something that everyone should have access to and that everyone should have equal protection of the law and due process.

I am very concerned, as my Republican colleagues are, that the Baldwin amendment can be offered and pulled back without a vote, because if it was given a vote, I would vote for the Baldwin amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I will yield the gentleman from Ohio 30 seconds, if the gentleman will yield.

Mr. KUCINICH. Mr. Speaker, I was saying that I share the concern that my Republican colleagues have that we won't have a chance to vote on a Baldwin amendment, because I believe that this is not a Republican or Democrat issue.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I gave the gentleman time to hopefully respond to what I am going to suggest,

and that is if he would vote ''no'' on the previous question, that would be to amend the rule to allow a vote under normal rules, normal order. So if you would join me in voting ''no'' on the previous question, you will have an opportunity to vote on that amendment.

Mr. Speaker, at this time I yield 2 minutes to the newest Member, the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today I rise to speak against H.R. 3685, the Employment Non-Discrimination Act, and the restrictive, undemocratic and authoritarian rule that the majority party has put before us today. Mr. Speaker, I realize that I am one of the newest Members of the House of Representatives, having been sworn in just 3 months ago, but I recognize a totalitarian regime when I see one.

In my short tenure here, the Democratic majority has made a mockery of the democratic process, and today's rule is a perfect example. For you good folks at home, this is what is happening in a nutshell. The Democrats sprung this bill on us that will grant special employment privileges and a protected minority status to anyone who defines themselves by their sexual orientation.

But that's not all. They gave us less than 24 hours, less than 24 hours' notice that this bill will be on the floor, because when the schedule for this week was sent last Friday, it made no mention of this discriminatory bill. And for good reason. They don't want the American people to realize they are undermining America's religious liberties in the House of Representatives.

But they didn't stop there. Then the Democratic majority decided to rig the process to block Republican amendments to even slightly improve this terrible and unfortunate bill. An authoritarian regime, right here in the House of Representatives, otherwise known as the Democratic majority.

I will vote against this rule, and I urge my colleagues to do so.

Ms. CASTOR. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), an outspoken advocate for equality for all Americans.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the underlying bill and the Baldwin amendment. ENDA will offer real protections to tens of millions of Americans now. Right now, far too many workers go to work every day fearing that they could be fired on the spot, no questions asked, if their employer discovered their sexual orientation. This year, it is legal in 30 States to fire someone simply because he or she is gay, lesbian or bisexual.

Hardworking, tax-paying Americans shouldn't be forced into the shadows, and they should not have to live with the constant, legitimate fear that they could lose their jobs. That is why I strongly support providing protection from discrimination to transgender Americans, and I will not rest until their right to live their lives free of fear, discrimination, and intolerance is the law of this land.

Mr. Speaker, I know from my years on the city council where we worked to pass similar legislation and my years in the women's movement that we need to make history now and pass the underlying bill and protect people here in America now.

No one should be discriminated against because of his or her sexual orientation or perceived sexual orientation. And this bill will also lay the groundwork to provide sorely needed protections in the future to countless more Americans who need and deserve them.

This historic advance for civil rights has been more than three decades in the making—and it has not come easy.

When Bella Abzug first introduced a sexual orientation civil rights bill in 1974, she was able to enlist only one cosponsor, Ed Koch, my predecessor in the district that I represent. It stood absolutely no chance of passage.

We've come a long way since then, but our progress has been hard-fought and incremental.

Most of our greatest legislative victories have only been achieved step by step. The measure before us today is by no means complete or definitive.

The sad truth is that transgender Americans need and deserve protection from employment discrimination. All too often they bear the brunt of brutal bigotry, and are subject to unspeakable hatred and violence.

That is why I strongly support providing protection from discrimination to transgender Americans. And I will not rest until their right to live their lives free of fear, discrimination and intolerance is the law of the land.

In 1986, when I served on the New York City Council, we succeeded in passing legislation to bar discrimination on the basis of sexual orientation in employment and housing. That bill had come before the Council repeatedly since 1971. It took 15 years, but we finally managed to pass it. It was only later that the Council enacted specific protections for the transgender community.

Many said the 19th Amendment didn't go far enough when that passed. While it gave women the right to vote, it didn't address a host of social inequities between men and women, many of which persist today. Decades after that Amendment was ratified, we passed the Equal Pay Act and title VII. And, while we still haven't passed the Equal Rights Amendment, I remain optimistic that our day will soon come.

The New Direction Democratic Congress passed a hate crimes bill earlier this year that included important protections for lesbian, gay, bisexual, and transgender people. And we hope to have another important victory here today. I'm confident these incremental successes will lay the foundation for additional protections for the entire LGBT community in the future.

And so, while I deeply regret that transgender Americans are not protected by the legislation before us today, I nonetheless urge my distinguished colleagues to support it. I do so with the knowledge and the determination that we will be back to continue to press the fight for all Americans to live free from discrimination.

I urge my colleagues to help make history today by supporting this landmark legislation and taking this important step towards ensuring that discrimination based on sexual orientation will not be tolerated in the United States of America.

I would also like to thank Speaker PELOSI, Congressman FRANK, and Congresswoman BALDWIN for their leadership in this critical battle for civil rights.

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

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), another outspoken advocate of equality for all Americans.

Mr. HOLT. Mr. Speaker, as a strong supporter of inclusive ENDA that provides employment protections for sexual orientation as well as gender identity, I am an original cosponsor of the original ENDA that was introduced earlier this year, the legislation we should be taking up today.

In my home State of New Jersey, we are proud to have a fully inclusive employment nondiscrimination law. We are proud of the New Jersey-based businesses that have corporate policies against discrimination based on gender identity, in addition to sexual orientation. Companies such as Johnson & Johnson, Merck and Prudential Financial prohibit employment discrimination based on gender identity, not only because they believe it's the right thing to do morally and ethically, but also they know it's a matter of corporate competitiveness and good for their companies.

Mr. Speaker, our distinguished colleague JOHN LEWIS often reminds us of the words of Dr. King, ''The time is always right to do the right thing.'' Dr. King warned us against the tranquilizing drug of gradualism. I am concerned that when we break apart legislation, some pieces fall on the floor to get swept into the dustbin of history or to be considered only years later. We should not do this to members of our society who need and deserve the same protections as all other Americans.

I want to thank the members of Garden State Equality, New Jersey Stonewall Democrats, the New Jersey Lesbian and Gay Coalition for their hard work and tireless efforts for inclusive protections. I ask to include in the RECORD a letter from Johnson & Johnson Company supporting an inclusive ENDA bill and a copy of the statement of dissent by Representatives CLARKE, KUCINICH, SANCHEZ and me in the committee markup of this legislation.

JOHNSON & JOHNSON
SERVICES, INC.,
Washington, DC, October 19, 2007.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HOLT: I would like to express Johnson & Johnson's support for H.R. 2015, the Employment Non-Discrimination Act (ENDA). This legislation is essential in providing federal protections to prevent workplace discrimination based on sexual orientation or gender identity.

At Johnson & Johnson, we recognize employees as the cornerstone of our success. For this reason, the company adheres to a vigorous Equal Employment Opportunity Policy that provides a working environment free of discrimination and harassment based on sexual orientation. This policy is consistent with our commitment to ensuring the respect of our employees and guaranteeing each individual a sense of security.

We believe that H.R. 2015 is a very important step towards addressing employment discrimination and fostering true equality. In addition to establishing federal protections, ENDA legislation also creates an enforcement mechanism through the Equal Opportunity Employment Commission (EEOC). This enforcement power has led to the monumental successes of the Civil Rights Act of 1964 and the Government Employee Rights Act of 1991. I look forward to working with you in the future to achieve our mutual goal of eradicating workplace discrimination. Please do not hesitate to contact me if I may provide further assistance.

Best regards,

SHANNON SALMON,
VP, President Affairs.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 22, 2007.

We dissent from H.R. 3685, a narrow version of the Employment Non-Discrimination Act (ENDA) that excludes protections based on gender identity. We are co-sponsors of H.R. 2015, the original version of ENDA introduced earlier this year, that would prohibit workplace discrimination based on sexual orientation and gender identity. While we agree with H.R. 3685's objective of prohibiting workplace discrimination on the basis of sexual orientation, we do not support the decision to remove gender identity from the bill because it leaves this legislation woefully incomplete. H.R. 3685 fails to expressly protect transgender people, who are among the most at risk for discrimination. The decision to strip gender identity from the bill was not based on substantive concerns about the bill's language, but rather on a perception that protecting this vulnerable group might jeopardize the bill's chances for clean passage on the House floor. We cannot support this rationale, which reinforces the very bias and discrimination that ENDA seeks to prohibit.

Transgender individuals and their families aspire to the same basic rights as other Americans, including equal access to gainful employment and fair housing in safe communities. Yet across this country, transgender people face extremely high rates of unemployment, poverty, and homelessness. Studies across the country reveal that transgender people suffer a 35% unemployment rate, with 60% earning less than $15,300 a year. As a result of this disparity in income and employment levels, a disproportionate number of transgender people cannot support themselves or their families, and many are literally forced onto the streets. Every American has the right to be free from discrimination in employment and to be judged solely on one's performance in the workplace—not on irrelevant characteristics such as sexual orientation and gender identity. We are eager to support legislation that addresses such discrimination, and we wish that we would have had an opportunity to do so in Committee.

We believe that Congress should pursue the path that state legislatures have uniformly followed for the past several years, which is to pass measures that include both sexual orientation and gender identity. Such inclusive laws have passed on the local and state level in jurisdictions in every region of the country. Nationally, 37% of the U.S. population lives in jurisdictions that prohibit gender identity discrimination. Currently, there are inclusive laws in twelve states and over 90 local jurisdictions, including Iowa, New Jersey, Colorado, and Oregon, which passed inclusive laws just this year. Congress should be reinforcing these efforts instead of undermining advancement on the state and local level.

We have heard overwhelmingly from constituents and civil rights organizations that passage of this non-inclusive bill will undermine the ultimate attainment of full employment protections for all LGBT individuals. We are not aware of a single gay or LGBT organization that has endorsed this bill. In contrast, over 300 organizations have formally opposed H.R. 3685 because it omits gender identity protections. These include national groups such as the National Gay and Lesbian Task Force, National Center for Lesbian Rights, Equality Federation, National Black Justice Coalition, National Association of LGBT Community Centers, Pride At Work (AFL–CIO), PFLAG (Parents, Families and Friends of Lesbians and Gays), and the National Center for Transgender Equality. Also in opposition is nearly every single statewide organization that represents the LGBT community in their state, including Equality Alabama, Equality California, Equality Illinois, Equality Maryland, Equality Advocates Pennsylvania, Garden State Equality, Empire State Pride Agenda, Equality Florida, Equality Maine, Equality Ohio, Equal Rights Washington, and Equality Texas.

For the reasons set forth herein, we respectfully dissent from H.R. 3685.

RUSH HOLT,
Member of Congress.
YVETTE CLARK,
Member of Congress.
LINDA T. SÁNCHEZ,
Member of Congress.
DENNIS J. KUCINICH,
Member of Congress.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I thank the gentlewoman.

Mr. Speaker, I am waiting for some conservatives to come to the floor, I am waiting for some true intellectually consistent conservative Members of the other party who understand that in their mantra of government staying out of people's private lives, in their mantra of allowing the marketplace to work, allowing people to be judged by their hard work, by their tenacity, by their skill, I am waiting for those people to come to the floor and say that we believe in ENDA. We believe in the idea of not government selecting who's going to win but letting the marketplace do it.

We believe in our friends in the private sector, 350 or so Fortune 500 companies that already practice ENDA that we are going to be voting on today. Where are they? Where are those Members of my colleague's party that are shamed by their record on civil rights throughout the years and want to make it right now? Where are the Members of that party who are going to come forward and say, I don't want to explain to my grandkids why I was on the wrong side of another civil rights movement? Where are those Members of that party who claim to be conservative? Speak up now. This is your moment.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS), our distinguished chairman of the Education and Labor Subcommittee on Health, Employment, Labor and Pensions, a Member who has been outspoken in his fight against discrimination for all Americans.

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

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding, and I rise in support of the rule.

Mr. Speaker, I want to emphasize a point of agreement and a point of disagreement: There is a broad and growing agreement that members of the transgendered community should receive the full protection of the Federal law, and many of us are committed to work to achieve that day as soon as we possibly can. But there is a strong point of disagreement that I have heard from the minority side about the procedure on which we are taking up this bill.

We had a vigorous debate in the full committee about this bill and three concerns were raised. One was the issue of the transgendered community, and Ms. BALDWIN has in order an amendment, which she will decide the disposition of, so that issue can be raised. The second is the scope of the religious exemption, which my friends vigorously debated, and Mr. MILLER and Mr. STUPAK's manager's amendment raises that very same issue, and there will be a debate and there will be a disposition. Finally, there was some discussion as to the impact of this bill on the question of the definition of marriage, and the amendment of Mr. MILLER and Mr. STUPAK will make in order a debate and a disposition of that issue as well.

The purpose of the House, with all due respect to my friends on the other side, the purpose of the House is not to debate every issue for as long as it takes until everyone is done talking. The purpose of the House is to have a fair and reasonable proceeding and to decide, and that is what we are going to do here.

I would just say one final thing to my friend, and I know he is going to ask me to yield, and I will do so if he agrees to yield to me when my time has expired. But my friend speaks with great enthusiasm to bringing to a vote on the floor the question of transgendered people.

I would ask my friend why, for the previous 12 years that his group has had the majority here, they never brought the issue to the floor during

those 12 years if they have such intense feelings in favor.

I would be happy to yield to my friend.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding, and I would probably respond to your direct question that for the same reason for the 20 years prior to that your party didn't bring it up either.

But what I want to say, and I thank the gentleman for yielding, the gentleman said that the purpose of the House is not to debate every issue. I would tend to agree with that. But I think that the gentleman would have to agree with me that when there are propositions that are made in order, whether it is a bill or whether it is an amendment, that they ought to be debated and disposed of by the House and not be covered up, if you will.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 30 seconds.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, the majority will have a chance to work its will, the House will have a chance to work its will on his proposition, and we will make a majority decision and he will either win or lose, which I think is fair and within the rules.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I am glad the gentleman would do that. I hope he would join me. I am just worried that this is so unprecedented for this to happen. That is the point I made from the outset, and that is the point I make right now.

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

Ms. CASTOR. Mr. Speaker, I am the last speaker for my side, so I will reserve my time until it is time to close.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS).

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 164, nays 254, not voting 14, as follows:

[Roll No. 1051]

YEAS—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Tiberi
Upton
Walberg
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—254

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
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)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—14

Bean
Buyer
Carson
Chandler
Cubin
Hastert
Jefferson
Jindal
LaHood
Markey
Oberstar
Paul
Stark
Westmoreland

□ 1421

Messrs. ELLISON, MCNERNEY, BERMAN and RANGEL changed their vote from ''yea'' to ''nay.''

Messrs. GORDON of Tennessee, MORAN of Kansas, BROUN of Georgia and HOBSON changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3685, EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I would inquire of my friend from Florida if she has any more speakers on her side.

Ms. CASTOR. Mr. Speaker, I'm the last Member to speak on my side. So I will reserve the balance of my time until my colleague from Washington has made his closing remarks.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I find that we are debating a rule that is rather ironic because the underlying bill that this rule would make in order is a bill about discrimination and ending discrimination, and yet the very rule, the very rule that we are debating, which makes three

amendments in order, is a discriminatory rule because it does not treat all three amendments equal.

As I mentioned in my opening statement, Mr. Speaker, I will be calling for a vote on the previous question, and I strongly urge my colleagues to vote against the previous question.

Let me be clear, Mr. Speaker, by voting ''no'' on the previous question, Members will show their support for having a vote on amendment No. 3, which would expand the bill's protections to persons discriminated against based on gender identity. This is defined in the amendment as the gender-related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the individual's designated sex at birth.

As I said, those voting ''no'' on the previous question will be able to vote on this question. Those Members who vote ''yes'' on the previous question will be showing their support for denying Americans, through their representatives, a voice on this issue.

Again, if the previous question is defeated, I will amend the rule by striking that provision in the language that denies having to seek unanimous consent to offer to withdraw the vote. If the previous question is defeated, the House will still be able to consider the employment nondiscrimination bill today.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, as I mentioned earlier, this rule, as it stands, discriminates against amendments made in order. My colleagues who entered into the debate today said they are against discrimination; therefore, I urge them to vote ''no'' on the previous question and for equality.

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

Ms. CASTOR. Mr. Speaker, before the House today is the Employment Non-Discrimination Act of 2007 and the rule for debate. This bipartisan legislation from the people's House, the House of Representatives, marks another important step towards equality for all Americans.

You see, during the 230-plus-year history of our great country, the march toward equality under the law for all citizens has sometimes been slow, but it has been steady.

Over time, this Congress has outlawed discrimination in the workplace based upon a person's race, gender, age, national origin, religion and disability. When it comes to employment and hiring and firing and compensation and promotion, these decisions are rightly based upon a person's qualifications and job performance.

Our bill today will extend civil rights protections to sexual orientation.

□ 1430

On this proud day of the 110th Congress, we will chart a new direction for civil rights. On this proud day, the Congress will act to ensure that all Americans are granted equal civil rights in the workplace. The underlying value of Americans everywhere is to be treated fairly in our jobs and workplaces.

On this hopeful day for America, we will stand up for citizens who previously lived in fear that they will lose their jobs due to their employers' prejudices.

I urge my colleagues to vote ''yes'' on this landmark civil rights act. I urge a ''yes'' vote on the previous question and on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I rise in strong support of H.R. 3685, the Employment Non-Discrimination Act, or ENDA, which prohibits employment discrimination on the basis of sexual orientation.

Unfortunately, in 31 states, it is still legal to fire someone because that person is gay, lesbian, or bisexual. In 39 states, it is legal to do so if the person is transgender. I am proud that Vermont already protects individuals against employment discrimination based on both sexual orientation and gender identity. Vermont's 1992 Human Rights Law included sexual orientation protections in public and private employment, as well as public accommodations, education, housing, credit, insurance and union practices. In May of this year, Vermont included gender identity protections in employment, public accommodations, and housing. I applaud Vermont for these important steps and we must do the same on the national level.

When making employment decisions, employers should look at an individual's qualifications and the quality of the work they produce, not their sexual orientation or gender identity. The public strongly supports this notion.

Many employers have already acted on their own. Approximately 90 percent of Fortune 500 companies include sexual orientation in their nondiscrimination policies. More specifically, 49 of the Fortune 50 companies have a policy against employment discrimination on the basis of sexual orientation.

Progress is being made on the gender identity front as well. Approximately 25 percent of Fortune 500 companies include protections against gender identity discrimination in their corporate policies.

Where employers do not act, however, the Federal government must step in and extend this protection to employees across the country. Employees are currently protected from discrimination on the basis of race, gender, religion, national origin or disability.

If not enacted today, I believe this Congress will soon realize that gender identity protections, like in Vermont, are also necessary and I stand ready to join my colleagues in taking that next step.

The decision before us today is whether or not we take a giant step forward. Whether or not we as a Congress want to protect the millions of gays and lesbians across the country from employment discrimination. This legislation is a perfect example of how this Congress has made a commitment to a new direction. This new direction embodies the values of equality and fairness, making sure that workers, children, families, and communities can fully participate in the successes of our economy. This bill would have never seen the light of day in past Congresses.

I am glad that the rule makes in order the amendment by Representative BALDWIN to include ''gender identity'' protections in the bill. I urge all my colleagues to support the rule, support the Baldwin amendment, and support the underlying bill.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 793 OFFERED BY MR. HASTINGS OF WASHINGTON

In section 1 of the resolution, strike the sentence which begins ''Amendment number 3 in the report of the Committee on Rules''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal

to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

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

Ms. CASTOR. Mr. 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 noes appeared to have it.

RECORDED VOTE

Ms. CASTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. 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 adoption of the resolution.

The vote was taken by electronic device, and there were—ayes 224, noes 192, not voting 16, as follows:

[Roll No. 1052]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
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)
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
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

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

NOT VOTING—16

Aderholt
Biggert
Burgess
Buyer
Carson
Cubin
Dingell
Fortenberry
Hastert
Jindal
Knollenberg
LaHood
Oberstar
Paul
Towns
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1449

Mr. SHULER and Mr. McINTYRE changed their vote from ''no'' to ''aye.''

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 205, not voting 10, as follows:

[Roll No. 1053]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
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)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger

Rush	Slaughter	Velázquez
Ryan (OH)	Smith (WA)	Visclosky
Salazar	Snyder	Walz (MN)
Sánchez, Linda T.	Solis	Wasserman Schultz
Sanchez, Loretta	Space	Waters
Sarbanes	Spratt	Watson
Schakowsky	Stark	Watt
Schiff	Stupak	Waxman
Schwartz	Sutton	Weiner
Scott (GA)	Tauscher	Welch (VT)
Scott (VA)	Thompson (CA)	Wexler
Serrano	Thompson (MS)	Wilson (OH)
Sestak	Tierney	Woolsey
Shea-Porter	Towns	Wu
Sherman	Tsongas	Wynn
Sires	Udall (CO)	Yarmuth
Skelton	Udall (NM)	
	Van Hollen	

NAYS—205

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

NOT VOTING—10

Buyer	Jindal	Reynolds
Carson	LaHood	Westmoreland
Cubin	Oberstar	
Davis (KY)	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1459

Mr. DONNELLY changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 3685.

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

There was no objection.

EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 793 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. 3685.

□ 1500

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. 3685) to prohibit employment discrimination on the basis of sexual orientation, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

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

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the Chair, and I yield myself 3 minutes.

Madam Chairman and Members of the House, it is disgraceful but true that in much of the United States, it is perfectly legal for employers to fire workers simply on the basis of their sexual orientation.

I am proud that today the House will vote on legislation to end this discrimination. It has no place in American society.

The legislation we are considering was first introduced in the House in 1975, more than 30 years ago, and in the last three decades, gay, lesbian, and bisexual Americans have waged a courageous campaign for their workplace rights. I regret that they have had to wait so long for this vote, but I am pleased that this historic day has finally arrived.

The Employment Non-Discrimination Act ensures that employment decisions are based upon merit and performance and not prejudice. Federal law and the laws of 30 States permit employers to discriminate against employees based solely on their sexual orientation. In those 30 States, employers can fire, refuse to hire, demote, or refuse to promote employees on the basis of sexual orientation alone.

Earlier this year, under Chairman ANDREWS, the Health, Employment, Labor and Pensions Subcommittee heard testimony from Michael Carney, a highly decorated police officer. Officer Carney was initially denied the opportunity to return to his job with the Springfield, Massachusetts Police Department because he is gay. Fortunately, Massachusetts is not one of the 30 States to deny these basic rights to gay workers, and Officer Carney was eventually able to return to his job.

But that was not the case for Brooke Waites, who testified at the hearing. Ms. Waites was fired from her job in telecommunications after her employer discovered that she was a lesbian. Since the State of Texas allows employers to fire workers based on sexual orientation, Ms. Waites had no recourse. She could not get her job back.

It's hard to believe that fully qualified, capable individuals are being denied employment or fired from their jobs for these completely nonwork-related reasons. This is profoundly unfair and certainly un-American. Unless we act to outlaw this discrimination, millions of American workers will continue to live with the legitimate fear that they could be fired or denied a job and wind up unable to provide for themselves and their families. That is why it is essential that this Congress act to protect the rights of all workers, regardless of their sexual orientation.

The Employment Non-Discrimination Act extends employment nondiscrimination protections to gay, lesbian, bisexual, and heterosexual people. It prohibits employers, employment agencies, and labor unions from using an individual's sexual orientation as a basis for employment decisions such as hiring and firing, promotion, or compensation. The bill prohibits employers from subjecting an individual to different standards of treatment based upon the individual's sexual orientation. The bill does not apply to businesses with less than 15 workers, private membership clubs, or the U.S. Armed Forces. And it does not apply to religious schools or other religious organizations.

I urge my colleagues to support this legislation.

Madam Chairman, I reserve the balance of my time.

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

I rise in opposition to H.R. 3685, a proposal fraught with burdensome mandates, litigation traps, and constitutional concerns.

This bill purports to prohibit discrimination in the workplace, a goal to which we are all committed. However, the reality of this bill's consequences does not match the rhetoric of its supporters.

This bill departs from the longstanding framework and structure of the Civil Rights Act of 1964 by establishing stand-alone protections exclusively on the basis of sexual orientation. This new protected class would be afforded protections on the basis of vague and highly subjective measures that will cause confusion in the workplace and will result in costly litigation.

For example, the bill extends protections on the basis of ''perceived'' sexual orientation, a characteristic that is subjective by its very definition. How would an employer credibly refute such an accusation? This proposal could result in the exact opposite effect its supporters intend by creating new pressures on employers to consider and even document their employees' sexual orientation, actual or how it is perceived, in order to guard against litigation. This is a highly inappropriate infringement on employee privacy and would actually increase the consideration of such characteristics in the workplace. Also, any argument that the term ''perceived'' is already included in existing civil rights statutes is simply not true. This is a new term, applied to a new situation, which will increase uncertainty and litigation.

Even more broadly, this bill encroaches on two fundamental principles we hold dear: the free exercise of religion and preservation of the institution of marriage. H.R. 3685 is inconsistent with the longstanding religious exemption contained in title VII of the Civil Rights Act. The bill adds additional layers of complexity in determining whether a religious organization is covered, setting up highly intrusive Federal interference with the free expression of religion.

We understand an amendment is to be offered later today that attempts to move closer to existing title VII provisions. However, it remains unclear whether this amendment, which has been rewritten repeatedly, does enough to protect faith-based institutions.

On the issue of marriage, the majority adds a provision that prevents employers from considering marital status as a job qualification, even though they have not provided any evidence that such a limitation is necessary. We are left to speculate that the real reason for this provision could be an attempt to undermine the fundamental right of States to define, protect, and preserve the institution of marriage. The bill establishes new limitations on hiring practices only in those States that have prohibited same-sex marriage.

By limiting these new restrictions to States that have defined marriage as an institution between one man and one woman, the bill has essentially identified traditional marriage as a form of discrimination. This bill, then, could become the first step in a radical effort to undermine State marriage laws.

Madam Chairman, this bill has been introduced in various forms and fashions for some three decades. It has been introduced in the House three separate times this year alone. This is evidence of the inherent complexity that comes with such a far-reaching proposal.

Later today, we will consider an amendment that seeks to broaden these new protections even further, to purportedly cover discrimination based on gender identity, despite the fact that this provision was stripped from the bill before it was taken up in committee. There are serious practical and legal concerns with this amendment, and many questions remain unresolved. This is an effort to make an end-run around the legislative process, considering the full scope of this proposal only when it is convenient for supporters.

The bill before us is a sweeping departure from longstanding civil rights law, and its consequences will be far-reaching. A number of valid questions have been raised about how this bill will align with existing State and Federal anti-discrimination policies and those policies that have been voluntarily adopted by employers. These questions remain unanswered.

Because of that, I must oppose this bill and encourage my colleagues to do the same.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), the Chair of the subcommittee that did a marvelous job in handling this legislation.

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

Mr. ANDREWS. I thank my chairman and friend for yielding.

Madam Chairman, we very often hear people say in this House that they oppose discrimination. Today there's a chance to do something more than just say that you oppose discrimination; you can vote against it.

I listened to the questions raised by my friend from California, the ranking member of the full committee, and I would like to address them.

My friend says that there are burdensome new mandates imposed by this bill. That is not the case. If an employer has 15 or fewer employees, they are not covered by it at all. And there's really nothing burdensome about the idea that you can't refuse to hire or fire or mistreat someone because of their sexual orientation. That's no more of a burden than having the same rules based on race or religion or nationality.

My friend says there are highly subjective measures, and he points to the use of the word ''perceived'' discrimination. He says that when we ban discrimination based on perception of sexual orientation, it creates too much confusion. The reality is that precisely the same legal concept has been part of our Federal law since 1989 under the Americans with Disabilities Act.

Listen to this. I know the word ''perceived'' is not in the ADA, but the legal concept is the same. One Federal judge in New York heard a case, and that judge says that the case was based on ''harassment and discrimination based on her perceived disability.'' I'm not sure this judge is qualified, but most of the Senate does because it was Judge Michael Mukasey, who is now the President's nominee to be Attorney General of the United States. This doesn't create new confusion; it simply restates an existing principle.

On free exercise of religion, the gentleman from California is correct. There was some debate about the proper scope of the free exercise provisions in the underlying bill. Mr. MILLER's amendment, which we will hear shortly, imports precisely the same standard that has existed for the exercise of religion for the last 42 years under title VII.

The gentleman raises questions about marriage and says this is a radical attempt or a first step in a radical attempt to redefine marriage. Mr. MILLER's amendment will make it clear that precisely the opposite is true. Mr. MILLER's amendment will take the language that was approved by the House, signed by President Clinton, in the Defense of Marriage Act, which defines for Federal law purposes marriage as one man and one woman and import it into this bill.

Finally, the gentleman says this is a sweeping departure from civil rights laws. Nothing could be further from the truth. This is not a departure from civil rights laws. It's an inclusion of millions of Americans who should have been included for a very long time. It's a question of simple fairness. It's a question that says if you are a computer programmer or a bus driver or a carpenter, your job situation should be based on how well you drive the bus or how well you can program the computer, not on your sexual orientation.

□ 1515

Mr. MCKEON. At this time, Madam Chair, I'm happy to yield 5 minutes to the ranking member of the subcommittee involved, the gentleman from Minnesota, Representative KLINE.

Mr. KLINE of Minnesota. I thank my colleague, the gentleman from California, for yielding the time.

Madam Chair, I rise today in opposition to the Employment Non-Discrimination Act, H.R. 3685.

As the ranking member of the Health, Employment, Labor and Pension Subcommittee, I have reviewed this legislation in several different forms over the last several weeks. I've participated in debates and conversations that have brought this bill to the

floor, and I have to report that this legislation is still flawed.

The bill before us is drafted in such a way that it creates confusion and uncertainty. My colleagues offered a number of amendments to correct the inherent problems in this bill. Unfortunately, one critical amendment offered by Mr. SOUDER removing the word ''perceived'' was not accepted by the majority. My colleague has already introduced that point of confusion; I would like to expand on it.

This bill, and I quote, ''prohibits employers from discriminating against an individual because of an individual's actual or perceived sexual orientation.'' What does that mean, ''perceived sexual orientation''? We do not know because the bill fails to provide a definition. This raises a number of practical and legal concerns. The term ''perceived'' is overly broad, vague, and will inevitably lead to increased litigation, lots of increased litigation.

We cannot abdicate our constitutional duty by knowingly creating a law that is so vague that the courts must necessarily determine a definition. This is, frankly, a trial lawyer's dream. I would point out that in the course of our hearings one of our colleagues did express faith in ''Attorney World'' to clarify this issue. Well, it is kind of funny; I just don't think that's a theme park that we want to visit.

Employers may have difficulty in identifying noninherent characteristics of a person but could still be liable. Under the statute, employers would be accountable to prove that they did not make an employment decision based on either their own perception of an individual's sexual orientation or on that person's perception of themselves. I can see why ''Attorney World'' could be called upon here. Employers would find themselves in the unenviable position of defending themselves in lawsuits by proving a negative, that they did not perceive the individual to be part of a newly protected class.

Further, the term ''perceived'' does not appear in any other civil rights legislation. Let me be clear, we are not talking about the definition of gays, lesbians and bisexuals; we are talking about those individuals that may be ''perceived'' to be such. The Civil Rights Act protects individuals on the basis of race, color, religion, sex or national origin. Nowhere do we see the term ''perceived.''

Madam Chair, those who favor this bill presented on the floor today are motivated only by the end goals of this legislation and are failing to recognize the difficulty presented by vague terms and loose definitions. We are left with a bill that is filled with confusion and uncertainty.

I would ask that my colleagues carefully consider the inherent problems in enforcement of this legislation and vote against H.R. 3685.

Mr. GEORGE MILLER of California. Madam Chair, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), one of the pioneers of this legislation.

Mr. FRANK of Massachusetts. I am grateful for the obscurity of the opposition's argument.

I first filed a bill 35 years ago to say that you couldn't fire someone because he was gay or she was a lesbian, and at the time people were very straightforward about their opposition. Times have changed. It is no longer fashionable to say that you ought to be able to discriminate against someone based on his or her sexual orientation, so we now get other arguments.

Let me say this: I have heard a number of people raise this argument that the real problem is that it says ''perceived.'' I do not believe that a single one of them would change his or her position if we were to remove that. They are opposed to the notion that gay men and lesbians, people like me, should be allowed to prove themselves in the workplace without discrimination, but that's not a good argument to make. So we get ''perceived'' as the argument, and it is not a serious one.

In the first place, it's arguing about having to defend a negative; it's wrong, both legally and factually. The burden of proof is on the complainant. No employer has to prove a negative. It is the complainant who has the hard job of proving the positive. That's why historically statutes like this, every time we try to protect some people against discrimination, we go through two phases. First, beforehand, we get the most absurd exaggerations of the chaotic impact it will have. After the fact, they are rarely, unfortunately, enforced very vigorously. And by the way, if this ''perceived,'' if this were a problem, we would have examples of it. Nineteen States have laws like this on the books, and how many examples have you had of the poor, befuddled employer who is so unable to perceive that he is put on the dock? None. This is a made-up issue made up by people who don't want to confront the real issue.

And here is the real issue: there are millions of our fellow citizens, Madam Chair, gay or lesbian, who live in fear that they could be fired because they live in States where there is no such protection. And we have had real examples of that. And what we say today is, no, you can't be fired because of that.

Why is ''perceived'' in there? Because otherwise you're opening a big loophole. By the way, this notion of ''perceived,'' it is so unusual that it's in the American Disabilities Act and has been interpreted by several judges, Justice Alito, Judge Mukasey and Poser, three radicals who have enforced this.

So, let's not hide behind this semantic. That is not the genuine motivation for opposition to this bill on the part of anyone in this House. What they are saying is, we don't want to protect working men and women from this.

Madam Chair, I was accused in the last campaign by a former Member of this body of pursuing a radical homosexual agenda. Well, here it is in the House today, working, getting a job. That's what we are asking for, the right for people to go to work and be judged solely on how they work. Let's get rid of the semantic obscurantism.

Mr. MCKEON. I am happy now to yield 3 minutes to a member of the committee, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our distinguished ranking member.

''Perceived'' is, in fact, a real problem because many businesses simply won't go to court. Obviously they will negotiate or not bother with it. That's the type of intimidation tactics that occur.

I am against the underlying bill. I have never hidden that I'm against the underlying bill. I think it's a disaster for Christian bookstores, at least 85 percent of which would fall under this, all sorts of Christian colleges. Even with the well-intentioned amendment that certainly improves the bill that Chairman MILLER is offering, it still doesn't fix the underlying problems.

One prominent attorney says that basically religious rights have to be trumped by sexual rights in the workplace, and that's the goal of this act, and that this gives religious rights a secondary status in our society to sexual rights.

I want to address one other thing, and I apologize for bringing politics into this. In my last campaign, in the last 10 days of my campaign, a cookie-cutter ad was dropped on me that started with pictures of Speaker HASTERT and JERRY LEWIS. Then a little clip was inserted into the ad that said Speaker HASTERT visited my district and that I was proud to have him visit my district. Then pictures of Duke Cunningham came up, and then a picture of Bob Ney came up, then a picture of Mark Foley. Mark Foley's picture came out from the screen, referring to ''Friends of MARK SOUDER'' and said that MARK SOUDER has friends who have even had unnatural sex with minors, which was a smear on Mark Foley; nothing was either proven or even directly alleged that way. But for a party that ran cookie-cutter ads, in order to get the majority against me, every half hour referring to unnatural sex with minors that wasn't proven and smeared me, Mark Foley, and others, to stand down here, not allow a vote on gender because they wouldn't want to divide their party on the vote, not allow any direct votes on ''perceived,'' not allow any religious protection votes, and then to attack us for being intolerant when your party used that ad against me and others is a tad cute.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairwoman, I rise in support of H.R. 3685.

Before I came to Congress, I was a human resources executive, and even then, during the 1970s, my company had a policy that prohibited discrimination based on sexual orientation. It

boggles my mind that it has taken Congress this long to even try to catch up.

I acknowledge that today's bill is a good start, but it is just a beginning. Many of my constituents want this legislation to include provisions that were in the original version of the bill and in the amendment that Representative BALDWIN will introduce later today.

I share the concern that the legislation before us does not protect the transgendered people. Transgendered people are particularly subject to workplace discrimination, and nearly one-half of all transgendered people have reported employment discrimination at some point in their lives.

My home State of California is one of a dozen States which already provide this basic liberty, freedom from discrimination based on gender identity. We have done so because we recognize that transgendered people, like all people, deserve protection.

Today's bill is not perfect, but please know that today and every day I commit to working with my colleagues to pass this bill and to keep up the fight to expand protection for all peoples.

Mr. MCKEON. I'm happy to yield 2 minutes to the gentleman from Ohio, JIM JORDAN.

Mr. JORDAN of Ohio. I thank the ranking member.

Madam Chair, I rise today to express my opposition to the so-called Employment Non-Discrimination Act.

Far from actually protecting new workers, this legislation will add confusion and contradictions to title VII's existing protections. We have already heard from speakers who talked about the ''perceived'' sexual orientation language in this bill. And it would violate the traditional bases used to determine protected status, those being an immutable characteristic, a history of economic disenfranchisement and political powerlessness. All of the protected classes that currently exist in title VII meet these standards, while those individuals this legislation seeks to protect do not. The current title VII protections are sufficient to protect our Nation's citizens. Expansion would only lead to confusion and more litigation. The previous Republican speaker talked about this. He talked about the contradiction that exists between sexual rights and religious rights. If this legislation is approved, it will certainly be challenged in court and produce a clash with religious freedom and expression.

And then, finally, two other things I would like to address. ENDA, I believe, has the potential to severely hurt business. Not only will the religious exemption fail to cover nondenominational religious elementary schools, high schools and colleges, but it may, in fact, force employers to violate their personal convictions and hire individuals that they determine may not be in the best interests of their business. Business owners with religious convictions should be free to apply those convictions to their hiring practices.

And I guess I would just close by saying, most importantly in my mind, this legislation, I believe, would undermine the institution of marriage and thereby undermine that key institution in our culture, which I believe in the end ultimately determines the strength of our entire society, and that being the family institution. You think about one of the reasons America is so great is because moms and dads and families sacrifice for the next generation. I believe this legislation has the real potential to undermine the importance of families in our culture and in our society and in our country.

For those reasons, Madam Chair, I would oppose the legislation. I thank the gentleman for yielding.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Madam Chair, I thank the gentleman for yielding.

For more than two centuries, this country has advertised itself as a land of opportunity, of capitalism and free markets, of rugged individualism, where economic success awaited anybody who was willing to play by the rules and work hard. We pride ourselves as a Nation that doesn't necessarily guarantee equality and economic success, but promises equality and opportunity for all Americans. Yet today, these doors of opportunity aren't open for all Americans.

Gay Americans currently hold the dubious distinction of being the only segment of our workforce that can be overtly denied an opportunity to contribute to our economy and to earn a living.

Madam Chair, corporate America has never been widely identified as a vanguard for social change, but in the case of ensuring opportunity for gay Americans, the private sector is way ahead of the Federal law by leaps and bounds.

□ 1530

At present, 90 percent of American Fortune 500 companies have policies in place similar to what would be required under ENDA. They do it out of a sense of fairness, but also because it makes financial sense. Their bottom line is enhanced when they can attract talented and productive workers, men or women, gay or straight, that can contribute to the company's success without fear of recrimination or workplace reprisal. The ability to apply oneself, work hard and succeed has been the American Dream. This quintessential American right to pursue that dream should not be abridged. It should not be abrogated. Rather, it should be protected by the very government that has flourished for more than two centuries because of that dream.

Madam Chairman, the concept of ENDA, the fundamental American right to earn a living, should be a principle around which everyone in this Chamber, regardless of party or ideology, should be eager to embrace.

Mr. MCKEON. I am happy now to yield 3 minutes to the gentleman from Michigan, a member of the committee, Representative WALBERG.

Mr. WALBERG. I thank the ranking member for the opportunity to stand today in strong opposition to the ENDA Act. I use that acronym because I believe it is mistitled, that this is not a nondiscrimination act but rather a discrimination act, a reverse discrimination in many ways. But it certainly doesn't achieve what I think ought to be part of this society because it is a radical transformation of workplace discrimination law that stomps on the rights of private employers, adds new unfunded mandates and opens the judicial gates to a herd of endless litigation.

Pitting a newly protected class of individuals based on sexual orientation against our longstanding foundation of religious liberty will force job makers to walk a legal tightrope over which law to follow and which law to violate.

A business with as few as 15 employees will be slammed as new unfunded Federal mandates will provide additional protections for some employees, protections that may conflict with the ability of other employees to freely express their personal and religious convictions, again, without attempt to discriminate or treat wrongly. In fact, this legislation is so poorly written and broad, it will immediately serve as another way for trial lawyers to make a quick buck at the expense of small business owners. More lawsuits against jobs creators in my home State of Michigan, especially with recently passed tax increases, are the last thing employers in south central Michigan need to grow, prosper and thrive in a competitive environment.

ENDA is a fundamental departure from the longstanding principles of religious liberty as well, principles our country was founded upon. In fact, this will directly discriminate against people of traditional values and long-held faith principles. Rather than reducing discrimination, this legislation will instead reduce religious freedom and increase litigation.

The Founders of this great democratic Republic would invariably run afoul of this legislation if they were alive today. If you want to make a stand in favor of increasing lawsuits and penalizing small business owners at the benefit of trial lawyers, then by all means support this bill. If you want to chill the exercise of personal religious freedom, support this bill.

Madam Chairman, I, for one, am choosing to stand for the basic principle of religious freedom and nondiscrimination. I urge my colleagues to vote ''no.''

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Chairman, as one who has suffered the stigma and painful effects of state-enforced legal discrimination based on my race for the first 20 of my 60 years, and having spent all of my professional

life as an attorney and as an elected official fighting to eradicate unlawful discrimination based on race, creed, color, religion, gender, age, disability or national origin, and based on my study and understanding of the life and teachings of Jesus Christ, I cannot condone discrimination in employment based on sexual orientation.

The only appropriate consideration in employment should be the willingness and the ability to perform the job. Sexual orientation, unless it adversely affects job performance, is a private matter and should not be a basis for legal discrimination with the possible exception of the armed services and religious organizations.

Accordingly, after prayerful consideration, I must therefore support H.R. 3685, the Employment Non-Discrimination Act. I urge my colleagues to do the same.

Mr. KLINE of Minnesota. Madam Chairman, I am very pleased now to yield 3 minutes to our colleague from Texas, a former appellate judge, Mr. GOHMERT.

Mr. GOHMERT. Madam Chairman, my time is short. I'll get right to some of these issues. I just have a copy of the bill here.

Under the definition of ''religious organization,'' it actually excludes by definition schools, institutions that have been started by churches in which they set up their own boards, because it requires that the institution has to be in whole or in substantial part controlled, managed, owned or supported by the religion. So free-standing educational institutions, bookstores, things like that, would be opened up. Because there is so much language, I think while the Boy Scouts felt they were safe by the past litigation, but this opens up that whole new can of worms and we can expect more litigation against the Boy Scouts.

To add in some of these things like, you can bring a lawsuit for discrimination if you don't like your conditions. I had one lawsuit that went nowhere because a woman claimed she was moved from working on copper to working on aluminum and that was an insult. Under this, that's a legitimate lawsuit if you have manifested, acted or had people perceive you in such a way that they think you may be homosexual.

What this does is it invites people to come apply for a job, and if they feel like they may not get a job, make utterances like, well, you think I'm gay, that's why, and they will have a lawsuit. I can guarantee you, many lawyers will encourage their clients, the employers, to pay something just to make it go away.

Training programs are listed. If you don't get the seminar, then you can go in and say, you didn't give me that trip because you think I'm gay. There may be a lawsuit there. In fact, you could, and lawyers in some circumstances, I would say most circumstances, will say, yeah, you ought to settle with these guys because they can take you to the cleaners.

There is a provision, though, here. Isn't it nice, we have a provision in here that says States shall not be immune under the 11th amendment. This legislation is just going to set aside an amendment to the Constitution legislatively. My goodness. That's pretty bold. Pretty bold. Then we get down to what the real issue may be here, attorneys' fees on page 18. You're getting attorneys' fees. All the tort reform that occurred on med mal, this will bring litigation many times over if this becomes law. But the good news for the United States is, we have a provision in here, the United States will not be subject to punitive damages. Don't have a provision like that for States and for employers. So look out.

What this Congress is now attempting to dictate is which religious beliefs and moral beliefs the majority believes are okay and which religious beliefs it feels are not okay. This will actually encourage people, whether they are gay or not, to flaunt or manifest what may be perceived to be characterizations to help the lawyers.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Chairman, more than 40 years ago, this House stood up in the name of America and did the right thing and passed sweeping civil rights legislation to protect men and women of all races from discrimination. By widening the circle of freedom to include those who stood outside its embrace, America strengthened the character of its democracy.

And that is exactly what we are doing today with this vote. The Civil Rights Act of 1964 has had a profound impact on our Nation. But the work to create a more just, equal Nation that began decades ago is unfinished. This morning, in 30 States across this country, millions of gay and lesbian Americans went to work knowing full well that they could be fired simply because of their sexual orientation. Their job performance would have nothing to do with their being fired. In too many places simply being gay can cost you your job.

We should all be able to agree that this type of discrimination is inconsistent with American values. But for too many gay and lesbian Americans, it is a reality. This Congress has a duty to make this form of discrimination a thing of the past. We should be gratified by the fact that many American employers already do the right thing and protect the rights of their workers. Many Fortune 500 companies take these type of policies. For those who say the private sector should be a guiding light for government, well, here is your chance to prove it.

Some employers have failed to protect their workers, though, so this Congress has been left with the duty to make sure our values are represented in our laws. The Employment Non-Discrimination Act offers basic protections that everyone enjoys and takes for granted, except gays and lesbians, and this law allows it to be true for them. But more importantly, this bill is yet another important step forward in ensuring that justice and genuine equality for every American is the law of the land.

Today, I hope my colleagues will join us to pass this critical legislation and continue this country's long-running commitment to eliminate discrimination in all its forms.

Mr. KLINE of Minnesota. Madam Chairman, I am very pleased now to yield 2½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Chairman, I rise in opposition to this ENDA bill. This bill, if signed into law, will have serious long-term implications on one of our most basic and treasured institutions, marriage. A Federal ENDA will provide activist judges with the legal ammunition to move toward the legalization of same-sex marriage. In fact, State ENDA laws are already being used by activist judges to impose gay marriage and civil unions on States.

One example is the landmark decision by the Massachusetts Supreme Court which determined that there was ''no rational basis for the denial of marriage to same-sex couples.'' And this decision used the State ENDA laws in their argument. Another example took place in Vermont where the court ordered the State legislature to pass either a same-sex marriage or civil union law. Again, this case referenced existing State ENDA legislation. Another example is the New Jersey Supreme Court, which gave the State legislature 6 months to either pass a same-sex marriage law or civil union law, and the court cited New Jersey ENDA laws in defense of this ruling.

Although ENDA is bad legislation on its face, more importantly, it is just one component of a larger strategy. An editorial in an activist publication recently compared this approach to building a house. It explains that hate crimes legislation is the foundation, ENDA is one of the walls, civil unions is the roof structure, and marriage is the shingles.

The author states, ''When all the various above issues have been resolved, think of all the money that would be freed up to focus on marriage. We can lobby the President and Congress on repealing DOMA, while targeting the weakest States to repeal their one man-one woman amendments.''

The strategy as laid out above is clear. ENDA is merely a building block for efforts to overturn traditional marriage laws and to impose same-sex marriage on States. I urge you to protect traditional marriage and oppose H.R. 3685.

Mr. GEORGE MILLER of California. May I just say, Madam Chairman, it's a rather interesting set of remarks, except it has nothing to do with the underlying legislation that is before us today.

I yield for the purpose of unanimous consent to the gentlewoman from New York.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Chairman, I rise in strong support of this bill, and I urge my colleagues to help make history today by taking this important step forward.

Madam Chairman, I rise in strong support of this bill.

I urge my colleagues to help make history today by taking this important step towards ensuring that discrimination based on sexual orientation will not be tolerated in the United States of America.

In the year 2007, it is legal in 30 states to fire someone simply because he or she is gay, lesbian, or bisexual.

Hardworking, tax-paying Americans shouldn't have to live with the constant, legitimate fear they could lose their jobs. No one should be discriminated against because of his or her sexual orientation or perceived sexual orientation.

This bill will also lay the groundwork to provide sorely needed protections in the future to countless more Americans who need and deserve them.

History has shown that progress in the struggle for civil rights has been hard fought and incremental.

Most of our greatest legislative victories have only been achieved step by step.

While the measure before us today is by no means complete or definitive, I believe that the passage of this measure today will lay the foundation to provide additional protections in the future for the entire LGBT community.

So while I deeply regret that transgender Americans are not protected by this bill, I nonetheless urge my distinguished colleagues to support it. I do so with the knowledge and the determination that we will be back to continue to press the fight for all Americans to live free from discrimination.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Chairman, today is a very proud day for me. I am proud to be an American today because when this ENDA bill passes, what we will be doing is affirming traditional values, traditional values like tolerance, traditional values like minding your own business, traditional values like allowing fellow Americans to rise to the full measure of their ability, traditional values, values that have made this country endure and pass the test of time.

Opportunity and traditional values is what this ENDA bill is all about. This bill has nothing to do with the institution of marriage. This bill is about giving opportunity to fellow Americans so that we can reap the full benefit, the talent, the creativity, this hard-working ethic of both gay and lesbian and all Americans. All.

This bill today makes me proud to be an American and makes me very, very happy to vote for it, and I do hope all of our Members do.

Mr. KLINE of Minnesota. Madam Chairman, I am very pleased now to yield 4 minutes to the Republican whip, the distinguished gentleman from Missouri (Mr. BLUNT).

□ 1545

Mr. BLUNT. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I am in opposition to the bill. It goes without saying that the authors of our Nation's founding document understood better than most that freedom to practice one's religion represents one of the most fundamental, most inalienable rights bestowed on us. It was, after all, the reason that many came to America, the reason that many fought to found America. The Founders made sure to include the free exercise of religion among the first rights they included in the Constitution.

While the Founders saw the Constitution as a means of ensuring religious freedom and that that be protected at all levels, this bill, innocently enough, named the Employment Non-Discrimination Act, would actually have the effect of rolling back these protections, depending on where you happen to work. Perhaps even worse, it deliberately sets out to create a constitutional conflict between one's right to religious freedom and another's right to sue you for practicing it.

Madam Chairman, the tension this bill could create is not difficult to foresee in practice. For instance, if you chose to keep a Bible at your work station or perhaps even display in your cubicle a verse you found particularly meaningful, the legal question is simple created by this legislation: Can one or more of your coworkers seeing that passage, seeing that Bible, understanding there are passages there about homosexuality, bring suit against you and your employer on the grounds that mere presence of religious symbols constitutes a ''hostile workplace'' in which they are being forced to work?

The answer, it seems to me, depends more on where you work than whether or not the Bible's position on your desk is offensive. Employees, for example, at Southwest Baptist University, where I was the president before I came to Congress, would be exempt from the standards of this measure because they have a relationship with a specific denomination. But employees of either a Christian bookstore or a Muslim bookstore would be granted no such dispensation, potentially being forced to choose between upholding the faith positions upon which they are based and on which they acquire customers and complying with a law that says the free exercise of religion can be abrogated by a whim of Congress. This is the wrong decision for us to expect them to make. We are told, however, that any of the legal questions here will be decided and settled in court. The very reason the Constitution established this exercise of religion as the first of all the amendments is so these issues would not have to be settled in court.

There is really no reason here to create a new protected class. This bill puts this newly protected freedom on a collision course with the oldest of all the protected freedoms, the freedom of religion. The inevitable upshot of pitting two classes of people against each other, one protected by the Constitution, the other by Congress, is litigation, and lots of it. We don't need to create more reasons for litigation in the country. We don't need to create differences from court jurisdiction to court jurisdiction. We need to go back and look at this issue again. We need to defeat this bill today. I urge my colleagues to vote ''no.''

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chairman, I yield 2½ minutes to my friend, the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I come before the House today in strong opposition to H.R. 3685, the Employment Non-Discrimination Act. However well-intended, the bill extends existing employment discrimination provisions of Federal law like those contained in title VII of the Civil Rights Act to prohibit employment discrimination based on sexual orientation.

Let me be clear. I don't condone discrimination against people for any reason whatsoever. I believe in civility and decency in society. But the problem here is that by extending the reach of Federal law to cover sexual orientation, employment discrimination protections, in effect, can wage war on the free exercise of religion in the workplace. In effect, as has been said already, this sets up something of a constitutional conflict between the right to religious freedom in the workplace and another person's newly created right to sue you for practicing your faith or acknowledging your faith in the workplace. This is, as has been said before, a deeply enshrined tradition in the American experiment, emanating, as it does, out of the first amendment of the Constitution of the United States.

Some examples: Under ENDA, employees around the country who possess religious beliefs that are opposed to homosexual behavior would be forced, in effect, to lay down their rights and convictions at the door. For example, if an employee keeps a Bible in his or her cubicle, if an employee displays a Bible verse on their desk, that employee could be claimed by a homosexual colleague to be creating a hostile work environment because the homosexual employee objects to passages in the Bible relating to homosexuality.

The employer is in a no-win situation as well. Either the employer has to ban

employees from having a Bible at the workplace for their break time, or displaying Bible verses, and thereby face a lawsuit under title VII for religious discrimination, or the employer then has to continue to allow it and face a potential lawsuit under ENDA by the homosexual employee. This sets up a constitutional conflict headed for the courts, about which Congress should not involve itself.

Madam Chairman, I strongly oppose the Employment Non-Discrimination Act. We must stand for the right of every American to practice their faith according to the dictates of their conscience, whether it be in the public square or in the workplace. So I oppose the Employment Non-Discrimination Act and urge my colleagues to do likewise.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, the record should reflect some accuracy in the point two of our friends just made that the proposition that the display of a religious artifact such as a Bible in and of itself creates a hostile work environment. There is not a shred of that in this bill, nor is there a shred of case law anywhere in the 42-year history of title VII that supports that claim. The majority certainly is welcome to supplement the record if we are wrong. I just don't see it.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Madam Chairman, the opponents of H.R. 3685 have asked the question: What does perceived sexual orientation mean? It's when folks proclaim to have some sort of psychic ability to know who's gay. They have so-called ''gay-dar,'' so that a man who perhaps is slightly built or a woman like myself who has a deep voice is perceived to be homosexual and they could be discriminated against in the workplace.

I can tell you that hundreds of thousands of school children will pass through these Chambers in the years to come, and as the guides in the visitors bureau talk about the history of this Chamber, this will be a signature moment, and I want to be identified as one of the people who stood up to the last vestige of discrimination in our country.

Mr. KLINE of Minnesota. Madam Chairman, I am pleased now to yield 1½ minutes to my friend, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, I would like to insert into the RECORD a letter from Agudath Israel of America on how this impacts Orthodox Jewish groups and their reasons they are opposing this, and an article by Andrew Sullivan, a gay editor of The New Republic, who correctly points out that, in fact, this does not meet the discrimination standards in the sense of, if we were having a situation in America where gays, homosexuals couldn't get jobs, it would be a different challenge.

But I wanted to make a couple of points. There is a great irony to this bill. In the faith-based debate, we couldn't get title VII included, and now the Democrats have included it in this bill.

The Democrats opposed the Defense of Marriage Act, and now they are putting it in this bill.

Why does the bill exempt the military? Why can government discriminate and the private sector not discriminate? How in the world is this going to be upheld in court, to be able to hold a standard that the military can discriminate, that religious groups can discriminate, but Christian bookstores can't discriminate?

Clearly, in this bill the majority has tried to provide political cover, a fig leaf, so they can try to move a bill through, knowing full well that once you have the underlying bill, these other protections are going to be stripped out over time. It is internally inconsistent and ironic that the very people who oppose these things now insert them in this bill.

Another irony in this bill is that apparently the Boy Scouts' paid employees fall under this, but their volunteers don't. But this raises a question, what if they get their mileage reimbursed? What if they get expense reimbursement? It leads to a question of what if they go on and off the payroll. What about if they get a tax deduction? A lot of the reasons religious organizations are concerned about this is that is, in fact, a government benefit. Once we have a law that states that discrimination against homosexuals is wrong, this is obviously open to court interpretation, as many others are.

This is a bill fraught with so many problems that it should not see the light of day.

AGUDATH ISRAEL OF AMERICA,
Washington, DC, November 5, 2007.

HONORABLE MEMBERS,
House of Representatives.

As the House of Representatives prepares to vote on H.R. 3685, the Employment Non-discrimination Act, I write on behalf of Agudath Israel of America, a national Orthodox Jewish organization, to urge you to oppose the measure.

In an earlier correspondence, we explained in detail our key concerns regarding the legislation, particularly the shortcomings of the exemption for religious organizations set forth in Section 6. We will summarize them here:

Religious Freedom of Religiously-Controlled Charities Might be in Jeopardy. The exemption, by reference to Title VII, covers religious corporations and educational institutions controlled by religious corporations. Courts have given us no clarity as to whether Title VII protects independently-incorporated, secular, charities that are ''in whole or in substantial part controlled, managed, owned or supported by a particular religion, religious corporation, association or society.'' Because this bill on its face fails to settle this issue, thousands of charities could be adversely affected.

Secular Institutions Employing Religious Workers will not be Protected. Secular social service agencies or religiously-related businesses that employ workers that abide by certain religious/traditional tenets would not be protected. Unlike Title VII, where discrimination based on religion, sex or national origin is permitted when such status is a ''bona fide occupational qualification (BFOQ),'' no similar provision is included in ENDA when ''sexual orientation'' is a BFOQ.

Religious Groups that Avail themselves of Protection May Face Retaliation. In recent years, traditional values groups that adhere to constitutionally protected membership policies based on sexual orientation have faced various forms of legal disability from local governments. Groups claiming ENDA's exemption should not be treated as pariahs. The bill should include protection against retaliation.

Thank you for considering our views

RABBI ABBA COHEN,
Director and Counsel.

[From The Advocate, Apr. 14, 1998]

DO WE NEED THESE LAWS?—GAY RIGHTS—ARE WE REALLY ASKING FOR SPECIAL RIGHTS?

(By Andrew Sullivan)

Before I make myself irreparably unpopular, I might as well start with a concession. Almost all the arguments the fundamentalist right uses against gay ''special rights'' are phony ones. If there's legal protection for Blacks, Whites, Jews, Latinos, women, the disabled, and now men in the workplace, then it's hard to see why homosexuals should be excluded.

It's also true that such laws would ban discrimination against straights as well as gays, and so they target no single group for ''special'' protection. Nevertheless, there's a reason the special rights rhetoric works, and that is because it contains a germ of truth. However evenhanded antidiscrimination laws are in principle, in practice they're designed to protect the oppressed. So while the laws pretend to ban discrimination on the neutral grounds of sex, race, ethnicity, or disability, they really exist to protect women, Blacks, Latinos, the disabled, and so on. They are laws that create a class of victims and a battery of lawyers and lobbyists to protect them.

The real question, then, is this: Are gay people generally victims in employment? Have we historically been systematically barred from jobs in the same way that, say, women, Blacks, and the disabled have? And is a remedy therefore necessary? My own view is that, while there are some particular cases of discrimination against homosexuals, for the most part getting and keeping jobs is hardly the most pressing issue we face. Aided by our talents, by the ability of each generation to avoid handing on poverty to the next, and by the two-edged weapon of the closet, we have, by and large, avoided becoming economic victims. Even in those states where job-protection laws have been enacted, sexual orientation cases have made up a minuscule proportion of the whole caseload.

Most people—gay and straight—know this to be true; and so they sense that the push for gay employment rights is unconvincing and whiny. I think they're right. The truth is, most gay people are not victims, at least not in the economic sense. We may not be much richer than most Americans, but there's little evidence that we are much poorer. Despite intense psychological, social, and cultural hostility, we have managed to fare pretty well economically in the past few generations. Instead of continually whining that we need job protection, we should be touting our economic achievements, defending the free market that makes them possible, investing our resources in our churches and charities and social institutions, and politically focusing on the areas where we

clearly are discriminated against by our own government.

The problems of gay and lesbian Americans are not, after all, systematic exclusion from employment. They are (to name a few off the top of my head): a recourse to the closet, a lack of self-esteem, an inability to form lasting relationships, the threat of another epidemic, exclusion from our own churches, and our own government's denial of basic rights, such as marriage, immigration, and military service. In this sense, employment discrimination is a red herring. National gay rights groups love it because they are part of the lobbyist-lawyer nexus that will gain from it and because their polls tell them it's the least objectionable of our aims. But anyone could tell them it's the least objectionable because it's the least relevant.

Of course, we're told that until we're protected from discrimination in employment, we'll never be able to come out of the closet and effect the deeper changes we all want. But this is more victim-mongering. Who says gay people can't risk something for their own integrity? Who says a civil rights revolution can only occur when every single protection is already in place? If African-Americans in the 1960s had waited for such a moment, there would still be segregation in Alabama.

Our national leaders should spend less time making excuses for us and more time challenging us to risk our own lives and, yes, if necessary, jobs to come out and make a difference for the next generation. An ''equal rights'' rather than ''special rights'' agenda would focus on those areas in which gay people really are discriminated against. After all, have you heard any fundamentalist ''special rights'' rhetoric in the marriage debate? Or in the military battle? Not a squeak. What you hear instead is a revealing mumble of bigotry in opposition. And in these areas of clear government discrimination, we stand on firm, moral ground instead of the muddy bog of interest-group politics. In an equal-rights politics, we reverse the self-defeating logic of victim culture. We are proud and proactive instead of defensive and cowed. And we stop framing a movement around the tired 1970s mantra of ''what we want'' and start building one around the 1990s vision of ''who we actually want to be.''

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I appreciate the frustration of my colleagues on the other side the aisle. They really don't like this bill. They don't believe that we should be outlawing discrimination against gay and lesbian individuals. What they are upset about is that most of the handles that they thought they could grab on to to destroy the consensus for this bill are gone.

Why are they gone? Because we went through a markup. We listened to our colleagues on the other side, and we made adjustments. We had a religious exemption in that many of the religious organizations strongly supported. We listened to the debate. We went back to them and suggested that a straight exemption from title VII would be preferable for all of those involved.

So we have continued to listen as that process has gone through. And, yes, we have a bill here now that is far more acceptable to far more Members of the Congress of the United States because it does what it says it is going to do.

Madam Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Chairman, I rise in support, but I am sorry we are not debating a more inclusive gender identity bill today, which I would have supported, and let me tell you why.

Employment discrimination strikes at a fundamental American value, the right of each individual to do his or her job without facing unfair discrimination. Transgendered people are among the most marginalized and vulnerable groups within the LGBT community.

I worked with a nationally known landscape architect as a member of the San Diego School Board that San Diegans know today as Vicki Estrada. Vicki Estrada spent the first 50 years of her life as Steve Estrada. Soon after Steve became Vicki, she was assured by a leader within the California Department of Transportation, where Vicki worked as a contractor, that she would be treated no differently.

Vicki had only a few problems with her transition, for two reasons: She had an internal advocate and the comprehensive protection of California State law. Others, Madam Chairman, are not so lucky, which is why it is so important for us to provide inclusive Federal protections.

I urge my colleagues to join me in continued support of the entire LGBT community, and I also urge them to join me in supporting this bill.

Mr. KLINE of Minnesota. Madam Chairman, for the purpose of making a unanimous consent request, I yield to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. SHAYS. Madam Chairman, I rise in strong support of this legislation.

Madam Chairman, the Employment Non-Discrimination Act (or ENDA) is a common-sense solution to a very serious problem in the workplace. It:

Prohibits employers from making decisions about hiring, firing, promoting or compensating an employee based on sexual orientation;

Makes clear that preferential treatment and quotas are strictly prohibited, and that no claims will be permitted based on statistics about gays and lesbians in the workforce.

Until the 109th Congress, ENDA had been reintroduced in every Congress since 1994.

Our staff members' sexual orientation is no business of ours, and is irrelevant to their ability to perform the job.

One frequent objection to ENDA is that it would extend ''special rights'' to homosexuals.

That is simply not the case.

Gays and lesbians don't want special rights, they want the same as other Americans: equal protection under the law.

And they deserve no less.

ENDA supporter and former senator Barry Goldwater wrote: There was no gay exemption in the right to "life, liberty, and the pursuit of happiness." Job discrimination against gays—or anybody else—is contrary to each of these founding principles. Anybody who cares about real moral values understands that this isn't about granting special rights it's about protecting basic rights.

Paul Allaire, the former Chairman of the Board of Directors for Xerox, which is headquartered in Stamford, recognized the importance of non-discrimination policies when he wrote: We view diversity awareness and acceptance as enablers to increased productivity. We strive to create an atmosphere where all employees are encouraged to contribute to their fullest potential. Fear of reprisals on the basis of sexual orientation only serves to undermine that goal.

When ENDA is passed—a process that may take some time—working Americans who happen to be gay or lesbian will only have to prove themselves in the workplace and the employment market on the basis of their talents and abilities, just like other Americans.

They will be able to do so without fear of dismissal for any reason unrelated to the workplace.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the gentleman from California, the chairman of the committee, for yielding the time.

Madam Chairman, America was regaled today by the President of France, and he talked about America's values. He said that is why the world loves America, because of its values.

Now, whether all the world loves America's actions all the time is another question, but they know that one of our cardinal values was that we believe that all men and women are created equal and endowed by their creator with certain inalienable rights, and among these are life, liberty and the pursuit of happiness. No one in America believes that you can pursue life, liberty and the pursuit of happiness without the opportunity to have employment.

In America, we have discriminated historically against various groups of people. Some because of the color of their skin. Some because of their gender. Some because of their religion. Some because of their ethnic origin. There have been all sorts of reasons throughout our history that we have discriminated against people.

□ 1600

Madam Chairman, for more than 200 years our great Nation has fought for and advanced the timeless values and ideals that are embodied in our constitution: fairness, justice and equality under law.

And today through this bipartisan legislation, the Employment Non-Discrimination Act, we again take a momentous step in breaking down centuries of rank injustice, unthinking prejudice, and unjustified discrimination against gay and lesbian Americans.

It could be gays and lesbians, it could be African Americans, it could be Catholics, it could be Baptists like me. We have all been discriminated against

from time to time. It could be a Jew. It could be somebody of any other arbitrary distinction.

What this country really believes is that we should not discriminate against anybody. It so happens this bill describes one somebody, but it really refers to everybody. And it really is saying in this just Nation, we believe in equal opportunity.

When the Congress passed the Civil Rights Act of 1964, it prohibited employment discrimination based on race and gender; discrimination that often was open and far too often regarded as acceptable.

Frankly, my colleagues, as we sit here in this Chamber, hopefully all 435 of us believe that if we had lived in another time a half a century ago or perhaps a century ago, we would have even then thought it was wrong to discriminate against somebody because of the color of their skin. But we know that too many of our predecessors voted to allow and to further discrimination against people because of their color.

I presume that some of those looked back after their service in this body maybe 10 or 20 years later and said, I am historically sorry that I cast that discriminatory vote. I hope that none of my colleagues find themselves in that place today or tomorrow, and tomorrow or 10 years from now.

We have expanded the scope of the law's protection to prohibit employment discrimination based on religion, color, national origin, and disability. Today, through this historic civil rights legislation, we would simply add sexual orientation as a protected class, because even in 2007, there is little doubt that gay and lesbian Americans are too often the object of discrimination, not because of their actions but because of who they are. America believes that's wrong. That's what President Sarkozy was saying today.

Madam Chairman, let us be clear. This legislation is consistent with our values, our ideals, and America's long history of social progress. Thus, the question before us today is not only whether we will choose to do the right thing and pass this bill, but whether we will choose to stand on the right side of history; saying to some of our fellow citizens yes, you may be different than we are, but you are entitled by our Constitution and by our God and by our values to equal treatment under law.

This legislation, in fact, is the logical extension of the law in some 20 States that prohibit employment discrimination based on sexual orientation. I should note that the Federal Government, we have taken that action. All the people who work for us, we bar discrimination against them based upon sexual orientation.

Madam Chairman, as the lead House sponsor of the landmark Americans with Disabilities Act, I harbor no illusions that this legislation will topple centuries of prejudice overnight or that we can legislate that prejudice out of existence. That is probably not possible. But what we can do, what we ought to in fairness do this day is say that it is not lawful in the United States to have that prejudice prevent the pursuit of happiness and the enjoyment of opportunities offered by this great, fair and just Nation.

I urge my colleagues to stand with great pride, to vote against discrimination in this great, just land we call America.

Mr. KLINE of Minnesota. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, the function of this Congress is to answer the question: Who are we? And one of the most defining characteristics of who we are is that we are a meritocracy. That is the reason why we are as strong and as wealthy and as influential as we are all over the globe. People come from all parts of the globe to America because they know that they will be judged here on the basis of their goodness as a member of society and their ability as a contributor to our economy. That's all this legislation does.

The people that it is directed to have no more control over their sexual orientation than the color of their skin. All we are saying is that you will be judged on your ability to contribute, not on any other artificial distinction.

As a sponsor of ENDA, I would have favored the further amendment by Congresswoman BALDWIN, but the fact is that this is a civil rights struggle, and struggles take time. But this measure today is a powerful sign of enlightenment and progressive change in America. It is defining legislation. I urge all my colleagues to vote for it.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. CLYBURN), the distinguished majority whip in the House.

Mr. CLYBURN. Thank you, Mr. Chairman, for yielding me time.

Madam Chairman, I rise in strong support of the Employment Non-Discrimination Act. As a former civil rights activist in South Carolina who has been incarcerated a number of times for advocating equal treatment for all, I have come to find that our Nation's civil rights issues are in fact human rights issues.

Whether you are talking about allowing people of color to sit and eat at lunch counters or about ensuring that gay and lesbian Americans can freely go to work and earn a living without fear of being discriminated against, you are talking about basic human rights.

Madam Chairman, before I came to Congress, I spent 18 years as South Carolina's human affairs commissioner. In that position, I came to find that bigotry and homophobia are sentiments that should never be allowed to permeate the American workplace. Such intolerance does nothing but take us back to a dark moment in our Nation's history that most of us never want to revisit.

I implore my friends on the other side of the aisle to stop misconstruing this issue as a marriage issue. This is an employment issue, not a marriage issue. And this bill does nothing to infringe on the institution of marriage which I have cherished for more than 46 years.

By passing this bill, Members of the House go on record as wanting to end discrimination in the workplace and not allowing its ugly face to persist. I urge my colleagues to bring fairness to the American workplace and support this important legislation.

Mr. KLINE of Minnesota. Madam Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Madam Chairman, this bill is about discrimination, but it is also about economic competition.

Thinking about this bill today, I was thinking about the 1964 University of Washington Huskies football team that went to the Rose Bowl. They had a slashing, tough, brutal halfback named Dave Kopay, a boyhood hero of mine. He helped them go to the Rose Bowl. Later on after he goes to the NFL, we learn he is gay. If the UW hadn't put that guy in, there are several games they would not have won.

And if software companies don't hire gay software engineers, they will not be economically competitive with the rest of the world. In America, let's get one thing real clear: All good athletes play and all good software engineers engineer and all good workers work. That's the American way. Let's pass this bill.

Mr. KLINE of Minnesota. Madam Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, if our Constitution stands for anything, it is the ideal of individual liberty. To defend that liberty, we support democracy. But underneath both of those key values in the West, we believe in tolerance for our Federal citizens. Tolerance.

In Nazi Germany, they killed Jews and gypsies; but they also killed homosexuals. Thanks to us, the Nazis were defeated by the tolerant democracies of the West.

Our history is one of expanding tolerance. First, that all white men are equal; then all men; then all men and women. These are the civil rights achievements of the 20th century. Now it is our turn to offer protection for those of a different orientation.

From the Land of Lincoln, our country is the leader in advancing the toleration values of the West. This bill is already the law in the Land of Lincoln; but today, we go forward to make it the law for all.

Mr. ANDREWS. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS), a distinguished member of the Rules Committee.

Mr. HASTINGS of Florida. I thank the distinguished gentleman for yielding to me.

Madam Chairman, yesterday in the Rules Committee I commented that democracies should be about tolerance. Democracies and religions should be about tolerance.

Today we get an opportunity to manifest our tolerance within the body politic of this country. And it is an important day, just as 1964 was an important day for passage of the Civil Rights Act. As one who has stood in this struggle with brothers and sisters throughout this land to make this country live up to all of the creeds that are our values, American values, we cannot nor should we ever permit discrimination in the workplace or anyplace. It is wrong, it is intolerant, and it is un-American. I urge my colleagues to support this measure.

Mr. KLINE of Minnesota. Madam Chairman, could I inquire how many speakers my friend has?

The CHAIRMAN. Each side has 2½ minutes remaining.

Mr. ANDREWS. Madam Chairman, we have two speakers remaining, including the Speaker.

Mr. KLINE of Minnesota. Very well, then I will continue to reserve my time to close.

Mr. ANDREWS. Madam Chairman, I yield 1½ minutes to an icon in the protection of human and civil rights in our country, a hero for our generation, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Chairman, I want to thank my friend for yielding.

Madam Chairman, I for one fought too long and too hard to end discrimination based on race and color not to stand up against discrimination against our gay and lesbian brothers and sisters. During the 1960s, we broke down those signs that said ''white'' and ''colored.''

Call it what you may, to discriminate against someone because they are gay is wrong. It is wrong; it is not right. There is not any room in our society for discrimination. Today, we must take this important step after more than 30 long years and pass the Employment Non-Discrimination Act. It is the right thing to do. It is the moral thing to do.

□ 1615

Let us do it, not just for this generation, but for generations yet unborn.

Today, we have an opportunity to bring down those signs. Now is the time to do what is right, what is fair, what is just. The time is always right to do right. Let us pass this bill.

Mr. KLINE of Minnesota. Madam Chairman, I yield myself the balance of our time.

Today, we're considering a truly far-reaching modification to civil rights policy. There are some here who want this proposal to go even further, and we've heard that, while many of us believe that it already goes too far.

The free exercise of religion is fundamental; yet this bill could infringe upon it. The right of States to define and protect marriage is fundamental; yet this bill would undermine it. When enacting new Federal mandates, we should be seeking policies that employers can successfully implement; yet this bill is vague and subjective and invites costly litigation.

We heard a discussion earlier about the concerns in employment law around a hostile work environment and what this newly protected class, how this would fit into that. It was asked, could an employee have a quote from the Bible that soundly condemns homosexuality, would that in itself create a hostile work environment. I would say we do not know the answer to that question. This is a boon for trial lawyers and court cases stacked up like cordwood.

Because of these concerns, Madam Chairman, the White House issued a Statement of Administration Policy indicating that if this bill were to reach the President's desk, his senior advisers would recommend that it be vetoed. The administration identified a number of concerns, both on a constitutional level and with the underlying policy. Unfortunately, these concerns have not been given the full attention they deserve in this debate.

The number of amendments has been seriously limited. We have seen an extraordinary step of putting in the rule a mandatory withdrawal of a proposed amendment. This deserves a fuller examination.

Republicans were prevented from offering key amendments that would have highlighted and attempted to correct some of the more glaring problems which we see in the underlying bill. As a result, Madam Chair, H.R. 3685 remains fatally flawed.

I oppose the bill and urge my colleagues to join me in voting ''no'' on this overreaching proposal.

Madam Chairman, I yield back the balance of our time.

Mr. ANDREWS. Madam Chairman, at this time, it is my honor to yield 1 minute to a woman of faith and strength, the leader of our House, our Speaker, the gentlelady from California.

Ms. PELOSI. Madam Chairman, I thank the gentleman for yielding and I thank Mr. ANDREWS of New Jersey for his leadership on this important issue. He knows, as does the chairman of the full committee, Mr. MILLER, that discrimination has no place in America. Our country is a great country because we recognized that long ago, but we have more work to do.

I thank them both for their strong leadership in fighting discrimination and thank them for, in the case of Mr. MILLER, decades of service and leadership on social justice. I commend Mr. ANDREWS for his commitment to protecting the rights of America's workers.

This is truly an historic day. Today, the House of Representatives will consider and hopefully pass for the first time the Employment Non-Discrimination Act, or ENDA. As someone who has looked forward to this day for 20 years that I have served in Congress, it is a joyous occasion. It simply would not have been possible without the outstanding leadership and courage of Chairman BARNEY FRANK and of Congresswoman TAMMY BALDWIN. Anyone who cares about a country without discrimination is deeply in debt to TAMMY BALDWIN and to BARNEY FRANK for their leadership in this regard.

While ENDA's victory will represent an historic victory, I share the disappointment of TAMMY BALDWIN, BARNEY FRANK and others who support including protection for transgender individuals in ENDA. While I had hoped that we could have included gender identity, I support final passage of ENDA because its passage will build momentum for further advances on gender identity rights and the rights of all Americans.

America is a country that is great and wealthy, but we cannot afford to squander the talents of any of our citizens, nor should we. We all benefit if everyone gets a chance to work hard and support their families. Yet today, in 30 States an American can be denied a job or fired because they are gay, lesbian, bisexual or transgender. This is wrong. Working Americans should be judged on one criterion, their job performance, and not be subjected to prejudice.

Madam Chairman, our history teaches us that progress on civil rights is never easy. It is often marked by small and difficult steps. We must take this step today toward the ideal of equality that is both our heritage and our hope.

I've heard the use of the word ''tolerance'' today, and I respect the use of that word, but if I may respectfully depart from it and say that in my community that is blessed with a diverse community, our diversity is of all kinds: religion, gender identification, religious faith and the rest. And I always say that the beauty is in the mix. And it's not that we're tolerant in my district in California in San Francisco; it is that we have so much respect for the role that each person plays in our society.

So tolerance, maybe; respect, definitely. But let me also add that it is the pride that we take in that diversity, and it is the pride that I take in the gay, lesbian, bisexual and transgender community that brings me to the floor today to urge a ''yes'' vote on this important legislation.

Ms. LINDA T. SÁNCHEZ of California. Madam Chairman, at the outset, I'd like to note that I did not vote for this bill in Committee, not because I don't support its goals—I do—but because I strongly believe that we could have done better by protecting more people from discrimination.

That is why I am proud to support the amendment by my colleague from Wisconsin, that will add a prohibition against gender identity discrimination. This amendment is needed because protecting transgender people is the right thing to do. We're talking about a small group of people, but a group that faces tremendous discrimination and that deserves to be protected from workplace discrimination just as much as anybody else.

Now that this bill is out of committee and on the floor, let me be clear, I will vote for it because it extends a basic right to millions of Americans. And that right is the right to go to work and earn a living.

That's all, just the right to support themselves and their families. It is a right that is so basic that I'm appalled that some in this Chamber actually oppose this bill.

What is so problematic about protecting Americans from losing their jobs, not due to job performance, but due to bigotry?

Americans believe that if you work hard and do your job, you should be rewarded. And Americans believe that this basic principle should apply across the board.

Poll after poll reveal that an overwhelming majority of Americans agree someone shouldn't lose a job or be denied a promotion simply for being gay or lesbian.

Americans also believe that it is already illegal to do so. Unfortunately, in many states, it isn't. That's why this bill is so important.

The passage of this bill is just one part of an overall effort to improve the lives of working Americans. So far this year, the New Direction Congress has already worked to increase the opportunities available to working Americans and their families.

We have increased the minimum wage.

We have made college more affordable by increasing Pell Grants and reducing interest rates on student loans.

We have investigated the Administration's failure to protect workers on the job, and begun efforts to ensure that the Occupational Safety and Health Administration and Mine Safety and Health Administration do their jobs: keep workers safe so they can go home to their families after a day's work free of injury and disease.

It is wrong to deny someone a job, a raise, or a promotion because of his or her real or perceived sexual orientation. And it is past time for Congress to say so.

Ending employment discrimination against gay, lesbian, and bisexual people by enacting ENDA is such a common sense solution, and so consistent with the American principles of freedom, justice, and equality that it's amazing to me that in 2007, we still haven't passed this bill.

Let's work together to make the ''American Dream'' a reality for millions of Americans. Let's vote for the Baldwin amendment and pass this bill.

Ms. ESHOO. Madam Chairman, I rise today to express my strong support for The Employment Non-Discrimination Act, ENDA. I was an original cosponsor of this bill when it was first introduced in 1994 and have supported it ever since.

This legislation is a long time in coming. For years we've had workplace protections in place for race, religion, gender, national origin, age, and disability, but nothing to cover sexual orientation. Surprisingly, in 2007, it's still legal to fire someone based on their sexual orientation in 30 different States. ENDA will extend Federal employment discrimination protections to include sexual orientation for all workers.

This bill will not impose new costs and obligations on employers. ENDA will not require employers to give benefits to partners of gay, lesbian, or bisexual employees, although I believe they should. ENDA will not set ''quotas'' for hiring or provide special rights to a unique class of citizens. ENDA will simply end one of the last areas of legal discrimination against Americans in the workplace today.

As introduced in the 110th Congress, this bill originally included protections for transgendered Americans in their jobs. While the bill that comes to the Floor today does not include this provision, it is something I strongly support and will continue to advocate for.

I take pride in being a citizen of a country that promotes tolerance and equality . . . but we must ensure these founding principles extend to all American citizens. I believe ENDA is the next step for us to take on the journey toward full equality for all Americans.

Mr. VAN HOLLEN. Madam Chairman, I rise today in support of H.R. 3685, the Employment Non-Discrimination Act of 2007. Currently American workers are not entitled to protection from discrimination in the work place based upon their sexual orientation. As a result, it is legal to fire or refuse to hire someone simply because they are gay or lesbian. That is simply wrong! This country has a rich history of battling discrimination. Over the years Congress has banned employment discrimination on the basis of race, color, religion, sex, national origin, disability and age. However, our work is not done; we must continue to fight against injustice and extend basic workplace protection to gays and lesbians.

The American people do not support workplace intolerance. A Gallup poll in May of this year found that 89 percent of the American people support equal treatment for gays and lesbians regarding employment opportunities. The sexual orientation of an employee should not factor into the determination of one's competence to perform a particular job. American values are rooted in fairness and opportunities for all, in basic recognition that employment, free of discrimination, is a basic civil right, a human right that must be extended without regard to one's sexual orientation.

My own State of Maryland, in 2001, enacted a law prohibiting employment discrimination on the basis of sexual orientation. I was proud then to have worked on its passage through the State legislature. I am proud today to stand before the House and help pass this bill through Congress. Legislation to promote fairness in employment for gays and lesbians at the national level is long overdue. It is time to take action and extend equality to all Americans.

Mr. LANGEVIN. Madam Chairman, I rise in strong support of H.R. 3685, the Employment Non-Discrimination Act. This important measure demonstrates Congress's commitment to combating prejudice and ensures that Americans will not be denied access to employment because of their sexual orientation.

Current Federal law prevents employment discrimination on the basis of race, gender, religion, national origin, or disability. As a person with a disability, I know how important those Federal protections are for people who want to contribute to the workforce. Unfortunately, too many Americans are still able to be fired based on their sexual orientation. I am proud I come from a State where discrimination based on sexual orientation is against the law, but in 30 States, a person may be fired from a job simply for being gay, lesbian, or bisexual. We need a strong Federal law to protect those Americans and end a practice that is contrary to the American promise of equality and opportunity for all.

The Employment Non-Discrimination Act would prohibit employers from using an individual's sexual orientation as the sole basis for employment decisions. As previously mentioned, Rhode Island is one of 20 States that have comparable State laws. Similarly, a growing number of companies are incorporating non-discrimination policies because they recognize that they should be recruiting and retaining the best individuals for the job, irrespective of a person's sexual orientation. However, despite these advances, too many Americans still face discrimination in the workplace. Today we have the opportunity to make a stand for civil rights and equality by passing ENDA.

I also want to voice my strong support for an amendment to be offered by the gentlewoman from Wisconsin, Ms. BALDWIN, which would prevent discrimination based on gender identity. Rhode Island is one of 12 States that protect gender identity in employment, and our experience has been a positive one. Transgender individuals often have their own set of challenges in the workplace, and we must ensure that their rights are protected as well. I am deeply disappointed that the underlying bill does not include gender identity, especially as I am a cosponsor of a fully inclusive ENDA. Today, the House of Representatives is sending a clear message to the Nation that no American should face discrimination at work or in society, and I think we are missing an unprecedented opportunity to make the measure as inclusive as possible. However, if the Baldwin amendment is unsuccessful, I pledge to work with her and other supporters to see this important provision enacted into law.

I would like to thank everyone who contributed to developing this legislation and bringing it to the floor for a historic vote. I urge all of my colleagues to make a strong stand for equal rights and support H.R. 3685.

Mr. STARK. Madam Chairman, I rise today in strong support of equal rights for all people. No job applicant should be discriminated against because of his or her race, religion, gender, ethnicity, age, disability, political affiliation—or sexual orientation or gender identity.

The Employment Non-Discrimination Act (ENDA, H.R. 3685) simply modernizes existing non-discrimination law to prohibit discriminatory employment practices on the basis of sexual orientation.

Everyone knows that employment discrimination against people based on their sexual orientation occurs daily in our country. Many of us know people who have been the victims of such discrimination. It is wrong and it should be against the law. I'm only sorry it has taken us so long to bring this bill forward.

This legislation succeeds in advancing civil rights. However, it still falls short of what

needs to be accomplished. By no means is this bill as inclusive as it should be. It fails to include gender identity as a protected class. I commend Congresswoman BALDWIN for her efforts to include the transgender community in today's legislation. Had her amendment reached a vote on the House floor, I would have proudly supported it.

Our Declaration of Independence states that Americans have an inalienable right to liberty and happiness, neither of which can be achieved if equal rights are granted to some and not others. Today's bill continues to leave transgender individuals without equal protection from discrimination.

I support this bill because it brings the country one step closer to a prejudice-free workplace, but I implore my colleagues to work toward legislation that guarantees fair employment practices to all people.

Most of us look back on America's history and bemoan that women and non-whites had to struggle for rights that should have automatically been granted to them. If we as a Congress cannot stand against discrimination for a group of citizens who simply demand the right to be treated fairly in the workplace, we are no better than past legislators who opposed a woman's right to vote or the right of African Americans to sit in the same section of a bus or restaurant as whites. I urge my colleagues to do what is right and support this legislation.

Mr. HONDA. Madam Chairman, I rise today to support the Employment Non-Discrimination Act (ENDA), an important step forward in the fight for civil rights in the United States. It is high time for Congress to recognize and address the fear of persecution in the workplace experienced by gay, lesbian, bisexual, and transgender Americans. The Federal Government is right to follow the lead of 20 progressive states to extend federal employment protection to the lesbian and gay community, and I look forward to casting my vote in favor of this bill. ENDA ensures that American workers will be judged on their ability as workers instead of allowing ignorance and fear to bar them from contributing to the success of the Nation and enjoying the unalienable rights of ''life, liberty, and the pursuit of happiness.''

Sadly, more inclusive language was narrowed to exclude the most vulnerable, least understood group within the LGBT community, transgender men and women. I congratulate Representative BALDWIN on offering an amendment to re-insert this wording into the underlying bill and I proudly support her effort. Although this amendment was withdrawn, I was prepared to vote in its favor. Despite this compromise, I support final passage of the bill because I recognize that the perfect should not be the enemy of the good. I trust in my colleagues and my leadership that we will not stop the push for civil rights after consideration of this bill, and I reiterate my dedication to further expanding protection to transgender men and women.

Finally, I strongly object to the mischaracterization of this bill as anti-religious. Gay, lesbian, and straight people alike, strongly religious and strongly secular, support this important step in the struggle for civil rights. Yet, the authors of the bill have wisely sought a compromise for those who still hold a religious objection to these civil rights protections by crafting exemptions for religious organizations and schools.

I am proud to vote for this bill and urge my colleagues to do the same.

Ms. DEGETTE. Madam Chairman, I am a proud cosponsor of the original Employment Non-Discrimination Act (ENDA) that included gender identity.

I will support final passage of this legislation today because passing this bill is important and extending these protections is the right thing to do.

But I will cast my vote with deep regret the trangendered community has been denied the protections offered to gays and lesbians in this bill.

I did not support its removal from the overall legislation and am extremely disappointed that it will not be included when the House passes H.R. 3685.

I have cosponsored ENDA every session since I was first elected to Congress. I have strongly supported this legislation because it is an important step forward in eliminating discrimination against gay people.

I believe that all citizens should be treated equally in this country, regardless of their sexual orientation. Firing someone from their job, or evicting them from their home simply because of their sexual orientation, is immoral and undemocratic.

All members of the gay, lesbian, bisexual and transgender community should be protected from employment discrimination, and by not including gender identity we are essentially abandoning Americans who, frankly, are among the most discriminated against individuals in this country.

Mr. RYAN of Wisconsin. Madam Chairman, today, the House will consider H.R. 3685, the Employment Non-Discrimination Act of 2007. In essence, the bill would expand the protections of Title VII of the Civil Rights Act that prohibit discrimination on the basis of color, religion, national origin and gender to include sexual orientation. As H.R. 3685 has undergone various iterations over the previous months, I have spent a considerable amount of time weighing the implications this legislation would have on our society as a whole. My gravest concerns lie with how religious institutions would be affected. The protections afforded to these groups by our country's founders have been upheld for centuries, and I would not support any legislation that would erode those freedoms.

H.R. 3685, however, provides explicit and concrete exemptions for religious institutions that are similar to the ones included in Title VII of the Civil Rights Act. Specifically, religious organizations, define as ''a religious corporation, association, or society; or a school, college, university, or other educational institution or institution,'' are exempted from complying with the requirements of this law. Effectively, where religious institutions are currently allowed to make hiring decisions on the basis of religion, this protection will be extended so these organizations can continue this practice. In addition, I feel strongly that non-denominational institutions, that is, religious institutions not affiliated or supported by a specific denomination, should be included in this exemption. With passage of the Miller amendment, H.R. 3685 will be adequately modified so that the hiring practices of non-denominational institutions are equally protected and will not be affected by the bill.

Given this, I intend to support the legislation pending before the House. I believe individuals should be judged based on merit and their ability to perform the tasks required rather than on perceived characteristics and unrelated biases.

One of the essential roles of the Federal Government is to protect the equal rights of individuals. H.R. 3685 is not a bill that grants special rights to a certain class of people. If this were the case, I would oppose the bill. This legislation simply protects the equal rights of individuals from workplace discrimination. Indeed, Congress is not alone in its attempt to end sexual orientation discrimination in the workplace. In fact, my home state of Wisconsin has had a very similar law in place since 1982. The legislation the House will consider is an extension of this type of protection. Congress has historically acted to protect workers from discrimination and I believe H.R. 3685 meets this objective.

Mr. WAXMAN. Madam Chairman, I rise in strong support of the Employment Non-Discrimination Act, or ENDA. This legislation is long overdue. Prejudice has no place in the workplace.

Nearly 10 years ago, the Federal Government set a bold example when President Clinton issued an executive order specifically outlawing discrimination based on sexual orientation in the federal government. Today, 22 States, the District of Columbia and more than 180 cities and counties nationwide have enacted laws prohibiting sexual orientation discrimination in the workplace. I am proud that my home State of California and my congressional district in Los Angeles have played a leading role in the effort to promote understanding, acceptance, tolerance, and equality for gay Americans.

But congressional leadership is sorely needed to set a national standard for this fundamental civil rights protection. The health of our democracy requires that all Americans be entitled to justice. Civil rights and human rights should not stop at State boundaries.

Like many civil rights battles before it, the fight for gay rights has been long, arduous, and frustrating. In recent years, we have faced many setbacks with anti-gay initiatives by President Bush and Republicans in Congress that serve only to fan the flames of intolerance and bigotry.

The tide is turning. Earlier this year the Democratic leadership in the House and Senate achieved victories with hate crimes legislation that would criminalize attacks against individuals based on their sexual orientation or gender identity. With the passage of ENDA, we will push further by making it illegal to fire, refuse to hire, or deny a promotion to an individual on the basis of sexual orientation.

As an original cosponsor of H.R. 2015, a more comprehensive version of this legislation, I am disappointed that H.R. 3685 does not protect against discrimination based on gender identity. I strongly support the amendment Representative BALDWIN will offer to include gender identity in H.R. 3685 and if that amendment is not adopted, I pledge to work for an ENDA that includes gender identity.

I look forward to passing this landmark legislation, which is a great leap forward for equal rights.

Mr. LEVIN. Madam Chairman, I rise in support of the Employment Non-Discrimination Act.

This day is long overdue. Freedom from discrimination in the workplace. A simple concept

really. One should be judged by the quality of their work, not by the color of their skin, not by their age, not by their disability, and of course, not by their sexual orientation.

Thirty States continue to permit employers to discriminate against employees based solely on their sexual orientation. It is vital that we adopt federal protections to end this unjust discrimination that affects millions of Americans. The bill before the House today would extend the basic protections of the Civil Rights Act by prohibiting employment discrimination based on sexual orientation.

For all of my life, this country has been grappling with the issue of how to extend fundamental rights to every individual in our society. We all know the profound impact of the Civil Rights Act of 1964, which made it illegal to fire, refuse to hire, deny promotions or otherwise discriminate against employees based on race. While the Civil Rights Act was controversial in the years leading up to its enactment, one of our country's proudest moments was the day President Johnson signed it into law.

I very much regret that the Bush Administration is threatening to veto this legislation. Back in 1990, the first President Bush signed the landmark Americans with Disabilities Act, which barred workplace discrimination against qualified individuals with disabilities. It is unfortunate that the current Bush Administration has chosen not to build on this progress.

But today is about progress. Today we stand up for gay Americans and say it is long overdue that you have the protections needed in our Nation's employment laws. Tomorrow we continue to educate and outreach around the need to also prohibit employment discrimination on the basis of gender identity.

Mr. WELDON of Florida. Madam Chairman, I rise to express my concerns about H.R. 3685, the Employment Non-Discrimination Act (ENDA). Unfortunately, this bill goes far beyond simply providing protections against discrimination. If that had been the sole purpose of H.R. 3685, the authors would have closely tracked the Civil Rights Act. The fact that they chose not to follow the Civil Rights Act, but instead create a whole new statute belies their true motives. Because H.R. 3685 does not consider the rights of other protected classes by giving them less protection than have already been provided for them under Title VII of the Civil Rights Act, I believe this legislation is unfair and unwise.

Again, as has become the common practice with the new majority, this bill is on the floor with little review, no committee hearings, and little input from religious organizations and employees that will feel the largest impact from this legislation. Having a one-sided piece of legislation rushed to the floor is no way to pass legislation whose implications will be deeply felt by all Americans. This haste to the House floor, fear of constructive criticism, and failure to model this bill after other successful Federal civil rights legislation, is unwise and is plagued with pitfalls.

The Committee summarily rejected amendments to (1) broaden the exemption for religious schools not covered by the definition in H.R. 3685 to make it consistent with Title VII exemptions; (2) strike the vague and confusing ''perceived'' sexual orientation language; (3) prohibit retaliation against employees who may not agree with employer policies relating to this bill on the basis of sincerely held religious beliefs and; (4) remove the provision making it unlawful to condition employment in a State in which a person cannot marry a person of the same sex. One wonders why in the quest to protect one group, the authors of this bill are so willing to infringe and discriminate against the rights of others. In fact, I do not believe it is going too far to say that the authors of this bill are willing to infringe on the consciences of others in their attempt to create new protections.

H.R. 3685 contains a much narrower religious exemption than is provided under Title VII of the Civil Rights Act, which broadly exempts religious corporations, associations, societies, and educational institutions. There is strong evidence to suggest that non-denominational independent religious schools will not be exempt from complying with H.R. 3685 even though they are under Title VII. This issue has been glossed over by the Democratic leaders even though Congress specifically amended the Civil Rights Act in 1972 to forthrightly protect the mission-critical hiring rights of religious organizations.

A significant concern over H.R. 3685 is its inadequate protection for religious employers and those with deeply held religious convictions. Under Title VII, religious corporations, associations, societies and educational institutions are given broad exemptions. H.R. 3685 contains insufficient exemptions for religious organizations and companies with sincerely held religious beliefs. While houses of worship, missions, and some religious schools would be exempt, H.R. 3685's definition of ''religious organizations'' is a two-part test to determine if an educational institution qualifies for an exemption. In light of the broad exemptions provided in Title VII and the successful management of competing protections, why does H.R. 3685 feel it is necessary to subject religious organizations to intrusive snooping of the Federal Government to investigate if the organization is ''religious enough?'' This requirement indeed constitutes an excessive government entanglement with religion in violation of the First Amendment, and it is doubtful that it would survive scrutiny by the Supreme Court.

H.R. 3685 is vaguely drafted to prohibit employers from discriminating against an individual's actual or ''perceived'' sexual orientation or the actual or ''perceived'' sexual orientation of a person with whom the employee associates. Again, someone's ''perceived'' status is not included in any other civil rights legislation, including Title VII, which protects race, color, religion, sex, and national origin. Employers will now be subjected to claims and potential liability based on the highly subjective standard of someone's perception. With this legislation applying to essentially every company in the country with more than 15 employees, exposing employers to the threat of liability based on ''perception'' seems highly unwise and will create a lawyer's bonanza. This will force employers to defend themselves in claims and litigation by having to prove a negative—that they weren't able to perceive someone's sexual orientation. I'm sure this is welcome news for the nation's trial bar who will welcome vague loopholes to create Title VII claims to litigate. We should not open employers up to lawsuits because they were unable to ''perceive'' a person's sexual orientation, but that is what this bill does. This is especially an unfair burden on our small business owners, who will not be able to afford lengthy and costly litigation. This bill allows individuals to file suit, if their claims aren't resolved by the EEOC, for punitive damages up to $300,000.

H.R. 3685 will also needlessly create hostile work environments, as religious employees protected under Title VII will have their right to free religious expression challenged by the new rights created in ENDA for individuals based on their ''actual or perceived sexual orientation.'' The balancing of these two will lead to an impossible balancing test of which law to follow and which to violate.

While I strongly oppose intentional discrimination in the workplace to anyone, H.R. 3685 would favor some classes of citizens over other already protected classes. I cannot support a bill that does not provide adequate and equal protections to religious organizations, especially religious educational institutions that will be forced to act against their consciences if this legislation becomes law.

Mr. BLUMENAUER. Madam Chairman, today I vote in favor of H.R. 3685, the Employment Non-Discrimination Act (ENDA) because all Americans deserve to be protected from discrimination in the workplace. As a new legislator, one of the first hearings I attended in Congress was on this very bill and while I am pleased to finally vote on it, I'm sad it took twelve years for this day to come.

I see today's vote as part of our nation's struggle to achieve civil rights—an effort to make our country more equitable, more just, and more fair, so that every child has the opportunity to pursue their dreams in a safe and accepting environment. As I look back on how we have achieved civil rights legislation, I am struck that each accomplishment was both monumental and yet disappointingly incomplete. I am saddened that the gender identity provision did not pass this time around, but remain committed to resolving this inequity in the future.

I appreciate the advocates in my district, and across the country, who have worked tirelessly to bring about today's successful passage of ENDA. I am confident we will continue these efforts to keep these issues at the forefront of our agenda. Together, we can put an end to the ugliness of intolerance and bigotry.

Ms. HIRONO. Madam Chairman, I rise today in support of H.R. 3865, the Employment Non-Discrimination Act of 2007 (ENDA), as well as in support of the amendment to the bill offered by Congresswoman TAMMY BALDWIN.

I would like to thank the chief sponsor .of the bill, Congressman BARNEY FRANK, and GEORGE MILLER, Chairman of the Education and Labor Committee, for their leadership. This is truly a historic moment, which was largely made possible by their commitment to the democratic ideals of equality and fairness.

As an original cosponsor of the original ENDA, H.R. 2015, I am glad to be able to have this opportunity to debate the BALDWIN amendment to include anti-discrimination protections for transgender individuals. It is unfortunate that political realities made it difficult to bring an inclusive ENDA to the floor today in the first place.

However, I stand with Congresswoman BALDWIN in her courageous fight to provide for the inclusion of a group that is probably the most in need of workplace protections. I look forward to continuing to work with her and our

likeminded colleagues in any effort to build upon the momentum of H.R. 3865 and provide employment protections for gender identity through future educational and legislative initiatives.

The Civil Rights Act of 1964 prohibited employment discrimination based on race and gender. The scope of protections has expanded since then to also bar employment discrimination based on religion, color, and national origin. And while versions of H.R. 3865 have been introduced in each Congress since 1975, this is the first time it will be voted on by the U.S. House of Representatives.

H.R. 3865 provides us with a historic opportunity to be able to respond to the prejudice and discrimination that face millions of Americans in our workforce. It is at moments like these, this ability to provide for civil rights progress, that I am truly proud to be a member of the Democratic majority making freshmen class.

I urge my colleagues to join me in voting for H.R. 3865 and working toward the inclusion of gender identity in future legislation. Mahalo (thank you).

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. 3685

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 ''Employment Non-Discrimination Act of 2007''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution, and to regulate interstate commerce and provide for the general welfare pursuant to section 8 of article I of the Constitution, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMMISSION.—The term ''Commission'' means the Equal Employment Opportunity Commission.

(2) COVERED ENTITY.—The term ''covered entity'' means an employer, employment agency, labor organization, or joint labor-management committee.

(3) EMPLOYEE.—

(A) IN GENERAL.—the term ''employee'' means—

(i) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f);

(ii) a Presidential appointee or State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16(a)(1) applies;

(iii) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(iv) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EXCEPTION.—The provisions of this Act that apply to an employee or individual shall not apply to a volunteer who receives no compensation.

(4) EMPLOYER.—The term ''employer'' means—

(A) a person engaged in an industry affecting commerce (as defined in section (701)(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h)) who has 15 or more employees (as defined in subparagraphs (A)(i) and (B) of paragraph (3)) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(5) EMPLOYMENT AGENCY.—The term ''employment agency'' has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(6) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) PERSON.—The term ''person'' has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) RELIGIOUS ORGANIZATION.—The term ''religious organization'' means—

(A) a religious corporation, association, or society; or

(B) a school, college, university, or other educational institution or institution of learning, if—

(i) the institution is in whole or substantial part controlled, managed, owned, or supported by a particular religion, religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a particular religion.

(9) SEXUAL ORIENTATION.—The term ''sexual orientation'' means homosexuality, heterosexuality, or bisexuality.

(10) STATE.—The term ''State'' has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

(b) APPLICATION OF DEFINITIONS.—For purposes of this section, a reference in section 701 of the Civil Rights Act of 1964—

(1) to an employee or an employer shall be considered to refer to an employee (as defined in paragraph (3)) or an employer (as defined in paragraph (4)), respectively, except as provided in paragraph (2) below; and

(2) to an employer in subsection (f) of that section shall be considered to refer to an employer (as defined in paragraph (4)(A)).

SEC. 4. EMPLOYMENT DISCRIMINATION PROHIBITED.

(a) EMPLOYER PRACTICES.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual's actual or perceived sexual orientation; or

(2) to limit, segregate, or classify the employees or applicants for employment of the employer in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee, because of such individual's actual or perceived sexual orientation.

(b) EMPLOYMENT AGENCY PRACTICES.—It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation of the individual or to classify or refer for employment any individual on the basis of the actual or perceived sexual orientation of the individual.

(c) LABOR ORGANIZATION PRACTICES.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of the actual or perceived sexual orientation of the individual;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment, or would limit such employment or otherwise adversely affect the status of the individual as an employee or as an applicant for employment because of such individual's actual or perceived sexual orientation; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) TRAINING PROGRAMS.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of the actual or perceived sexual orientation of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) ASSOCIATION.—An unlawful employment practice described in any of subsections (a) through (d) shall be considered to include an action described in that subsection, taken against an individual based on the actual or perceived sexual orientation of a person with whom the individual associates or has associated.

(f) NO PREFERENTIAL TREATMENT OR QUOTAS.—Nothing in this Act shall be construed or interpreted to require or permit—

(1) any covered entity to grant preferential treatment to any individual or to any group because of the actual or perceived sexual orientation of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any actual or perceived sexual orientation employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such actual or perceived sexual orientation in any community, State, section, or other area, or in the available work force in any community, State, section, or other area; or

(2) the adoption or implementation by a covered entity of a quota on the basis of actual or perceived sexual orientation.

(g) DISPARATE IMPACT.—Only disparate treatment claims may be brought under this Act.

SEC. 5. RETALIATION PROHIBITED.

It shall be an unlawful employment practice for a covered entity to discriminate against an individual because such individual (1) opposed any practice made an unlawful employment practice by this Act; or (2) made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

SEC. 6. EXEMPTION FOR RELIGIOUS ORGANIZATIONS.

This Act shall not apply to a religious organization.

SEC. 7. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—

(1) EMPLOYMENT.—In this Act, the term ''employment'' does not apply to the relationship between the United States and members of the Armed Forces.

(2) ARMED FORCES.—In paragraph (1) the term ''Armed Forces'' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This title does not repeal or modify any Federal, State, territorial, or local law creating a special right or preference concerning employment for a veteran.

SEC. 8. CONSTRUCTION.

(a) EMPLOYER RULES AND POLICIES.—

(1) IN GENERAL.—Nothing in this Act shall be construed to prohibit a covered entity from enforcing rules and policies that do not intentionally circumvent the purposes of this Act, if the rules or policies are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation.

(2) SEXUAL HARASSMENT.—Nothing in this Act shall be construed to limit a covered entity from taking adverse action against an individual because of a charge of sexual harassment against that individual, provided that rules and policies on sexual harassment, including when adverse action is taken, are designed for, and uniformly applied to, all individuals regardless of actual or perceived sexual orientation.

(3) ACTIONS CONDITIONED ON MARRIAGE.—An unlawful employment practice under section 4 shall include an action described in that section that is conditioned, in a State in which a person cannot marry a person of the same sex, either on being married or being eligible to marry.

(b) EMPLOYEE BENEFITS.—Nothing in this Act shall be construed to require a covered entity to treat a couple who are not married, including a same-sex couple who are not married, in the same manner as the covered entity treats a married couple for purposes of employee benefits.

SEC. 9. COLLECTION OF STATISTICS PROHIBITED.

The Commission shall not collect statistics on actual or perceived sexual orientation from covered entities, or compel the collection of such statistics by covered entities.

SEC. 10. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c),

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c);

in the case of a claim alleged by such individual for a violation of such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures and remedies applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this Act, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

SEC. 11. STATE AND FEDERAL IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution from a suit described in subsection (b) and brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) REMEDIES FOR STATE EMPLOYEES.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under subsection (c).

(B) DEFINITION.—In this paragraph, the term ''program or activity'' has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

(2) OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of section 10, for equitable relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).

(3) EFFECTIVE DATE.—With respect to a particular program or activity, paragraphs (1) and (2) apply to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for the violation to the same extent as the remedies are available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

SEC. 12. ATTORNEYS' FEES.

Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, an entity described in section 10(a) (other than paragraph (4) of such section), in the discretion of the entity, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee (including expert fees) as part of the costs. The Commission and the United States shall be liable for the costs to the same extent as a private person.

SEC. 13. POSTING NOTICES.

A covered entity who is required to post notices described in section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10) shall post notices for employees, applicants for employment, and members, to whom the provisions specified in section 10(b) apply, that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964.

SEC. 14. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to

employees and applicants for employment of the Library of Congress.

(c) BOARD.—The Board referred to in section 10(a)(3) shall have authority to issue regulations to carry out this Act, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 101 of such Act (2 U.S.C. 1301).

(d) PRESIDENT.—The President shall have authority to issue regulations to carry out this Act with respect to covered employees, as defined in section 411(c) of title 3, United States Code.

SEC. 15. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

SEC. 16. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

SEC. 17. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of the enactment of this Act and shall not apply to conduct occurring before the effective date.

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 110–422. 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. 3 in the report may be withdrawn.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–422.

Mr. GEORGE MILLER of California. Madam 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 Mr. GEORGE MILLER of California:

Strike paragraph (8) of section 3(a) (and redesignate paragraphs (9) and (10) of such section as paragraphs (8) and (9), respectively).

Strike section 6 and insert the following:

SEC. 6. EXEMPTION FOR RELIGIOUS ORGANIZATIONS.

This Act shall not apply to a corporation, association, educational institution, or society that is exempt from the religious discrimination provisions of title VII of the Civil Rights Acts of 1964 pursuant to section 702(a) or 703(e)(2) of such Act (42 U.S.C. 2000e–1(a); 2000e–2(e)(2)).

In section 8(b), strike '', including a same-sex couple who are not married,''.

At the end of section 8, insert the following:

(c) DEFINITION OF MARRIAGE.—As used in this Act, the term ''married'' or ''marry'' refer to marriage as such term is defined in section 7 of title I, United States Code (referred to as the Defense of Marriage Act).

The CHAIRMAN. Pursuant to House Resolution 793, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 4½ minutes.

Madam Chairman, I rise in support of an amendment to this ENDA legislation that I and Mr. STUPAK have written to ensure that this law will protect religious liberties of religious corporations, societies, associations, and in particular, religious schools, including those religious schools that are not affiliated with any particular church or denomination. Our amendment would make it clear that the ENDA exemption matches the religious exemption found in title VII of the Civil Rights Act of 1964. Under my amendment, a religious corporation, association, or school would be categorically exempt from ENDA.

In addition, our amendment also clarifies that the references to the term ''married'' refer to the Federal definition of marriage as between one man and one woman, as enacted in the 1996 Federal law referred to as the Defense of Marriage Act.

With respect to the religious exemption, this issue has been the cause of a lot of confusion in the past weeks. The religious exemption that was part of the ENDA bill that passed out of the Education and Labor Committee on October 18 was exceptionally broad; however, several nondenominational religious schools raised concerns that they might not be covered under the ENDA exemption.

For example, the president of Wheaton College in Naperville, Illinois, sent a letter to Representative TIM WALBERG in advance of the Education and Labor Committee's markup on ENDA. Mr. WALBERG then shared that letter with the entire committee, and our Republican colleagues argued that Wheaton College, which is clearly a religious school despite the fact that it is not controlled by or affiliated with any specific church, may not be covered by the ENDA exemption. That argument was incorrect.

Wheaton, along with other religious schools and organizations such as the Council for Christian Colleges and Universities, asked that we ''ensure that the act categorically exempts religious organizations as in section 702(a) of title VII,'' and we have done precisely what Wheaton College and the Council for Christian Colleges has asked us to do.

Under this amendment, if a religious organization, including a religious school, is exempt under either section 702(a) or the arguably broader section 703(e)(2), then that organization or school is exempt from ENDA, period. So, if a school qualifies for either one of those exemptions under title VII, it is categorically, as they requested, exempt from ENDA. By directly referencing title VII, we also ensure that the many decades of case law on title VII's religious exemption is imported to ENDA.

This amendment provides clarity for religious schools that have experience with the title VII exemption, and it should satisfy all of their legitimate concerns about ENDA.

Let me be clear, the title VII exemption, and therefore, the ENDA exemption, applies to both nondenominational religious schools like Wheaton and church-affiliated schools. And as one court explained, ''Even though a Christian corporation or organization is nondenominational, it nevertheless may subscribe to particular religious views with which other Christians do not agree, and conversely, it may disagree with the religious views of other Christians.'' And to go on, the court said, ''This is precisely the situation for which the title VII exemptions were enacted; the exemptions allow religious institutions to employ only persons whose beliefs are consistent with the views of the religious organization.'' And that is the purpose of this exemption. That is the purpose of this amendment.

In addition to clarifying the scope of the ENDA religious exemption, my amendment also specifically states that the references to marriage in ENDA refers to the definition of marriage as defined in Federal law. Specifically, these terms in ENDA are given the meaning provided by the Federal law that is referred to as the Defense of Marriage Act, which defines marriage for Federal purposes as the union of one man and one woman. That is the definition that applies to ENDA, and my amendment makes that definition absolutely clear.

Madam Chairman, because our amendment offers strong protections for religious organizations, including nondenominational or nonaffiliated religious schools, and because our amendment clarifies that the Defense of Marriage Act operates to define the term ''marriage'' in this bill, I trust that the Miller amendment will receive a large bipartisan vote in its favor.

Madam Chairman, I would like now to yield 4 minutes to my cosponsor of this legislation, Mr. STUPAK.

Mr. STUPAK. Madam Chairman, I thank the chairman of the committee.

I rise in support of the Miller-Stupak amendment to the Employment Non-Discrimination Act of 2007.

This amendment makes two important clarifications. First, our amendment asserts and clarifies that any religious organization that is currently covered by the Civil Rights Act of 1964 would be exempt from the Employment Non-Discrimination Act. This will continue to protect religious organizations, including corporations, schools, associations, and societies from religious discrimination claims.

For the past 40-plus years, religious high schools, colleges and other organizations throughout the Nation have been allowed to hire individuals based on that institution's religious principles.

Today, as we adopt employment protections based on sexual orientation, these principles should be upheld.

Continuing America's long-standing separation of church and State, this amendment will ensure that the Federal Government does not unconstitutionally infringe on religious organizations' hiring practices.

Religious schools and organizations throughout my district and throughout this Nation will continue to freely practice their beliefs without being afraid of being charged with discrimination.

Several major religious organizations support the inclusion of a religious exemption in ENDA, including the U.S. Conference of Catholic Bishops, Union of Orthodox Jewish Congregations of America, and the General Conference of the Seventh-day Adventist Church.

The Miller-Stupak amendment also upholds the Defense of Marriage Act. It also clarifies that any reference to ''marriage'' within ENDA refers to the legal union between one man and one woman as husband and wife.

In 1996, a bipartisan group of 342 Members, including myself, voted in favor of the Defense of Marriage Act. Marriage is between a man and woman. I support including a clear definition of marriage as a union between a man and woman in this legislation.

No American should have to face discrimination in the workplace, regardless of their race, gender or sexual orientation. However, religious organizations should be able to hire individuals who agree with their religious beliefs.

□ 1630

It is also important to make it explicitly clear that marriage is a union between a man and a woman and that no part of the Employment Non-Discrimination Act could be misconstrued to undercut the Defense of Marriage Act.

I urge my colleagues to join with me and the chairman in voting for this amendment. With the inclusion of this amendment, I encourage Members to vote for final passage of the Employment Non-Discrimination Act.

I ask for a ''yes'' vote on the Miller-Stupak amendment.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I rise to claim the time in opposition to the amendment. However, I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

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

With this amendment, the majority tries to correct fundamental flaws related to hiring protections for faith-based institutions and the preservation of marriage. I will reluctantly support this relatively futile attempt, but let me be clear, on the issues of faith-based protections and the institution of marriage, this amendment fails to solve the problems. As such, even with adoption of this amendment, the underlying bill should be defeated.

For months, my colleagues and I have raised substantive legal and policy concerns related to this legislation. After a series of legislative false starts, the bill brought to the floor continues to pose a number of challenges. The amendment offered by Chairman MILLER is an obvious attempt to address a few, but certainly not all, of the issues we have identified.

We expressed concern that the bill created a new anti-discrimination framework outside the existing scope of title VII of the Civil Rights Act of 1964. Among other things, this allowed for a new set of provisions to dictate the hiring rights of religious organizations, thereby stripping faith-based institutions of their long-standing title VII protections.

I appreciate that the majority has recognized and agreed with our concerns about how this bill would intrude on religious freedom. In response to those concerns, the amendment moves closer to title VII. Inexplicably, however, it still leaves out an important piece of current law.

Chairman MILLER says his amendment fully restores protections to faith-based institutions. It does not. We expressed concern that the bill could undermine the rights of States to define, protect and preserve the institution of marriage. The Miller amendment deletes troublesome provisions related to employee benefits for same-sex couples and references the Federal Defense of Marriage Act, which defines marriage as a union between one man and one woman. Unfortunately, despite these steps, or perhaps even because of them, the bill taken as a whole continues to create potential conflicts between State and Federal marriage laws.

Chairman MILLER says his amendment protects the rights of States to define and preserve traditional marriage. It does not.

A Presidential veto threat has been issued on constitutional and policy grounds. This amendment fails to fully address those concerns. I reluctantly support passage of this amendment to partially address a few of the problems we have identified throughout this bill's troubled legislative path.

But I remind my colleagues that this amendment is not enough. The bill remains a litigation trap that undermines marriage and provides insufficient protections to faith-based organizations. Even after supporting this amendment, I urge my colleagues to reject the underlying bill.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Does the gentleman have additional speakers? We only have one speaker left and we have the right to close.

Mr. MCKEON. Who has the right to close?

The CHAIRMAN. The gentleman from California (Mr. MCKEON) has the right to close.

Mr. MCKEON. Madam Chairman, I am happy to yield at this time 2½ minutes to the gentleman from Georgia, Representative BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Madam Chairman, the House of Representatives is debating H.R. 3685, the Employment Non-Discrimination Act, today.

As well meaning as the title of this bill sounds, I want my constituents in the 10th Congressional District of Georgia and all Americans to know why this legislation is bad for Georgia and bad for America. Just like the ill-conceived hate crimes legislation that this Democratic majority passed, this bill will increase discrimination, yes, increase, and not decrease it.

I believe in the Constitution of the United States as our Founding Fathers intended. The first amendment to our Constitution expressly protects religious freedom. So while I am opposed to discrimination, I am also opposed to creating special rights and privileges for certain classes, and that is exactly what this bill does. This bill would elevate one person's desire for a particular job over another person's right to practice and honor their religious beliefs.

If H.R. 3685 is signed into law, and I pray that it will not be, it would deny the civil rights of employers, and it would abridge the freedom of association enshrined in our first amendment.

ENDA will force employers, including Christians, Muslims, Jews and people of other faiths to hire individuals that are diametrically opposed to their fundamental belief system. If they stand up for their religious beliefs and refuse to hire those opposed to their faith, they will be sued. In fact, one thing the bill will accomplish is to dramatically increase lawsuits against employers.

Further, while the Democratic majority will argue that religious organizations are exempt, the highly nuanced definition contained in this bill for religious organizations and religious educational institutions is so bad as to make this exemption essentially meaningless. The bill would grant special employment privileges and protected minority status to anyone that defines themselves by their sexual orientation. Further, an employer can be sued for not only making an employment decision based on a person's sexual orientation, but on his perception of their orientation.

Countless individuals and organizations, including Christian and Jewish schools, Christian bookstores and even

religious daycare providers will be forced to either hire a homosexual or transgender individual or face prosecution.

This legislation is unnecessary and is unconstitutional. I urge my colleagues on both sides of the aisle to do the right and courageous thing and to vote ''no'' on H.R. 3685.

Mr. MCKEON. Might I inquire how much time we have left?

The CHAIRMAN. The gentleman from California (Mr. MCKEON) has 4½ minutes. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes.

Mr. MCKEON. At this time, I would be happy to yield 3½ minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I want to thank Chairman MILLER. As a former Republican staff director on the Children and Family Committee when he was chairman of that, and working with the committee, I found, as he said earlier, that he listened to the Hoekstra amendment committee and made some adjustments that, in fact, occasionally he is right. It's occasional, but occasionally he is right. This addressed some of our concerns. It did not address all of our concerns.

As you know, when you are dealing with religious law or any law, it isn't at the heart of the matter, it's at the fringes. In communion, can minors take real alcohol and wine? Can Native Americans smoke peyote?

Here we're not dealing, and this amendment helps clarify that, we're not dealing with religious colleges. We're not dealing with the church proper, but law in the United States is we deal with religious discrimination, the ability to deal whether sexual discrimination trumps religious discrimination, which is fundamentally what this bill is about, that people who hold deeply held religious beliefs, which is part of Orthodox Jewish teaching, fundamentalist Muslim teaching and, in the Bible, unlike civil rights, where civil rights were led by William Wilberforce in England, by the abolitionists in America because the Bible was not explicit. But here, in fact, the Bible is explicit. The Koran is explicit. The Torah is explicit. And people have deeply held religious beliefs. So 85 percent of the Christian bookstores in America would not be covered by this protection. Certain types of church camps would not be, depending on how it's handled. Group homes that are often independent and do not have an overt religious message that grew out of the faith message of a church but do not necessarily now have an overtly religious mission, they're part of the outgrowth of the religion, would be covered. They wouldn't be able to have a husband and wife be the house parents under this bill. Religious law is a lot more complex than it was presented today.

One of the other challenges here is when we are trying to talk about how do we debate in public life over people of faith and which party are they going to be in, how are we going to reach out to this, the American people have heard in this debate today people who seriously are uncomfortable with this debate. We don't like to talk about this type of thing. I have tried to treat everybody in my life, regardless of how they have been in this Congress or friends back home or people I have worked with, with respect and dignity and do not practice personal discrimination.

But I have heard my religion and my religious belief called prejudiced, bigoted, hate-filled, that the predominant religions in America have had their basic beliefs, those who believe in a literal Bible, have seen their faith smeared today on this House floor, and I am very disappointed in much of the tone. I understand the passion. I understand why people who have a homosexual life-style feel they have been discriminated against, but this is a classic question in our country. If, in fact, nobody could get a job, we would be facing a different challenge today. I openly admit that.

But the challenge here is do people who have deeply held religious convictions based on the fundamental text of their faith have the right to practice their faith, too, or are they going to be trumped? This amendment is a step, but it's only a step.

Mr. GEORGE MILLER of California. Madam Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. ANDREWS).

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 minutes.

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

Mr. ANDREWS. I thank the chairman for yielding.

Madam Chairman, I rise in support of this well-thought-out amendment from Chairman MILLER and Mr. STUPAK. I think it quite fairly addresses some of the concerns people have raised.

First, with respect to religion, on October 3, 2007, the president of Wheaton College wrote to our colleague, Mr. WALBERG from Michigan. President Litfin worried about the scope of the religious exemption in the underlying bill, and here is what he said: ''I urge you to remove the problematic religious definition language currently in ENDA and ensure that the act categorically exempts religious organizations as in section 702(a) of title VII of the Civil Rights Act.''

Here is what the amendment in front of us says: ''This act shall not apply to a corporation, association, educational institution, or society that is exempt from the religious discrimination provisions of title VII of the Civil Rights Act of 1964 pursuant to section 702(a),'' precisely what was asked for.

Second, I have heard concerns that there is preferential treatment or special rights for persons protected under this bill. The gentleman and others should read page 8 of the underlying bill, subparagraph (f), which is captioned ''No Preferential Treatment or Quotas.'' Let me read from it: ''Nothing in this Act shall be construed or interpreted to require or to permit any covered entity to grant preferential treatment to any individual or any group because of the actual or perceived sexual orientation of such individual.''

It's helpful to read the bill.

Finally, we have heard suggestions that somehow the institution of marriage is undermined. It's very important to read the second part of Mr. MILLER and Mr. STUPAK's amendment, subsection (c) and I will read it: ''As used in this Act, the term 'married' or 'marry' refer to marriage as such term as defined in section 7 of title I,'' which is the Defense of Marriage Act which explicitly defines marriage as a union between one man and one woman.

These were concerns that were raised. They are met. I respect and appreciate the fact that the ranking member of the full committee will vote ''yes'' on this amendment. So will I, and so will an overwhelming majority so we can proceed to passage of this bill with a strong bipartisan majority.

I urge a ''yes'' vote on this amendment.

Mr. MCKEON. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California is recognized for 1 minute.

Mr. MCKEON. This is an emotional issue, it's a serious issue, and I think it's hard for some of us, I know on this, to control our passions. It's disturbing that some are offended, have been offended during the debate today, and I feel badly about that.

My concerns are more with the flaws that I see in the bill. I am concerned that we are all trying to end discrimination. I don't think you do that by passing laws. I think we have to engage people in their hearts, in their minds and try to work with that approach.

While this amendment does not correct or even address all of the challenges created by the underlying legislation, I recognize the incremental steps it takes. I appreciate the chairman for making this effort at trying to resolve these issues. I will support its passage.

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

□ 1645

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–422.

Mr. SOUDER. Madam 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. SOUDER:
Strike paragraph (3) of section 8(a).

The CHAIRMAN. Pursuant to House Resolution 793, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, I yield myself 3 minutes.

My amendment is very simple. It strikes paragraph 3 of 8(a). It does that because, what this clause does, in the name of protecting homosexuals, actually takes out any ability of any business, any youth home, any group, any organization to have any kind of marriage criteria. This doesn't go to the defense of marriage question directly, although it builds in inherent contradictions, because the last amendment, in attempting to address that, merely bred confusion and contradiction inside of the bill, which will have to be resolved by courts. Defense of marriage makes it so that, for example, somebody married in Vermont or Hawaii doesn't have to have their marital status recognized in Indiana. But it doesn't address the fundamental question of can marriage be a criteria.

In fact, this bill even goes beyond that. It doesn't allow you to have any kind of criteria on any type of sexual behavior. It isn't just about homosexual behavior. It isn't clear that any organization can have any guidelines on adultery, on polygamy or anything else, because by eliminating marriage, by eliminating any kind of sexual standards, it's unclear what standards you can have that relate to sex at all. So if you have any kind of ministry goal and aren't a profoundly Christian organization that falls under the very narrow definition of the last amendment, you're in deep trouble here.

So you can't find things like we've seen just recently on the Web site that says things like house parents, cottage parents, counselor parents, family teaching couples. Any organization that wants to try to do this cannot do so. This obviously comes in for Christian child care centers. This is going to come in, which are not overtly Christian missions, it's going to come into exercise centers that may be operated by religious organizations. It comes into all Christian bookstores, obviously, into different counseling centers that maybe both secular and Christian counseling will not be covered by their ability to say that in order to do family counseling you have to be married and you have to subscribe to certain kinds of sexual standards. They will be prohibited, because they aren't covered by title VII under a narrow definition of title VII.

My amendment would eliminate all this. It doesn't fix the bill. I admit, it doesn't change my opinion on the underlying bill, but it helps solve a deeper problem that was created, and I understand why it was created, because those who want to protect homosexuals didn't want to have a back-door way to, in effect, discriminate against them. But by doing this, they set up another class of discrimination, once again pitting sexual discrimination up against the right to practice religious liberty.

I'll reserve the balance of my time.

Mr. GEORGE MILLER of California. I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. GEORGE MILLER of California. Madam Chair and members of the Committee, I first want to correct some of the mistaken assumptions that I think Mr. SOUDER just made in his remarks.

He claims that the language of section 8(a)(3) would undermine the definition of marriage that some States have chosen to adopt. This is untrue. Even after ENDA becomes law, regardless of whether section 8(a)(3) remains in the bill or is taken out, the States, for purposes of State law, decide marriage issues for themselves. Nothing in ENDA would change that. Nothing in ENDA would alter the Federal laws referred to in the Defense of Marriage Act.

Second, Mr. SOUDER makes a claim that section 8(a)(3) would have prevented an employer from firing an employee who has extramarital sex. Frankly, I don't see anything in the text of 8(a)(3) that discusses extramarital sex. In fact, I don't see anything anywhere in the text of ENDA that discusses extramarital sex, and I can't understand how Mr. SOUDER's come to this conclusion about extramarital sex. But the entire issue is just a diversion from what ENDA actually does.

ENDA is very simple. ENDA will prevent employers from firing a perfectly qualified gay, lesbian or bisexual employee just because of that employee's sexual orientation.

Madam Chairman, in short, I will vote for this amendment, but the fact of the matter is I don't think it is necessary. But Mr. SOUDER has pursued this course, and I think that it's important. Another important provision of ENDA is the nondiscrimination section that already outlaws employers from discriminating based upon sexual orientation through any pretext policy including the pretext of marital status.

Moreover, many States, including Mr. SOUDER's home State in Indiana, have already created State laws that allow a plaintiff to sue their employer based upon marital status discrimination. And those State laws would further protect against pretextual discrimination against gay and lesbian Americans.

Finally, I want to explain in more detail why I will vote for Mr. SOUDER's amendment. I have realized that section 8(a)(3) is redundant. It is unnecessary. The concern that section 8(a)(3) has sought to address and will actually be addressed in many cases by section 4 of ENDA.

Let me explain this concern. When Mr. FRANK and other original ENDA sponsors and I wrote this bill, we were worried that a clever discriminatory employer might realize he could not fire a gay employee specifically because of his or her sexual orientation, so the discriminatory employer might decide to create a pretextual reason for firing that person; in this case, the fact that the employee is not married or does not have the right to get married. That's why we drafted section 8(a)(3).

However, the thing that convinced me to vote for the Souder amendment is the fact that section 4 of ENDA, which my committee marked up and favorably reported, makes the Souder amendment practically irrelevant. Section 4 of ENDA is the portion of the bill that will very clearly prohibit the discrimination based upon sexual orientation. So if an employer is actually discriminating based upon sexual orientation, but is pretending that the decision is based upon marital status, the gay plaintiff will have the opportunity to convince a Federal jury of that fact.

Consider the following example: A large accounting firm that has no policy whatsoever about whether its accountants should be single or married. That's not hard to picture because not many accounting firms anywhere in America have a policy that requires an accountant to be married. Being a good accountant is the reason that they hire people.

Then imagine that one of the accountants in a branch office let's his coworkers know that he is gay. Now let's say that the branch office has a homophobic manager who the very next day sends out a memo announcing a new policy in the branch office that all accountants will have to be married to keep their job. The manager has figured out this new policy will allow him to fire gay or lesbian accountants, and it happens only to an accountant who is unmarried.

Also imagine that after sending out the memo, the homophobic branch manager sends an e-mail to some of his colleagues explaining: ''Now that we have our new marriage policy, we can fire that disgusting homosexual accountant.''

That gay accountant will be able to file a lawsuit pursuant to ENDA. And that's the point of this legislation. They will be able to put evidence before a Federal jury and to try and convince them he was really fired because of sexual orientation, not because of marriage policy. And that is why this legislation exists.

My point of this scenario that I've just described to you is that already covered by section 4 of ENDA stating that the same thing of section 8(a)(3) is just redundant. For all of these reasons I will vote for the amendment offered by Mr. SOUDER. Even if 8(a)(3) is stricken from ENDA, I believe that the gay plaintiff will still be able to succeed in court and have a meritorious claim.

I reserve the balance of my time.

Mr. SOUDER. I yield myself such time as remains.

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. SOUDER. I appreciate the Chairman's explanation, and there's no use to belabor a point when you've won.

At the same time, I do want to clarify a couple of things inside that.

A, my amendment is far too weak to reach my own goals, and I realize that. I was hoping it could be adopted because I think it improves the bill.

B, I think that the chairman correctly stated the challenge here and the inherent inconsistency in the bill. By merely removing this clause, it didn't allow, in effect, a bill that was intended to protect gay people into other areas, in marriage criteria and other sexual things, because that could have been far more reaching because many organizations have in one man-one woman marriage clauses, also fidelity clauses with the marriage clause, which is why I refer to that.

In this mix, however, I understand that in the purposes of the bill, without the protection that you announced, in fact, somebody could try to get around the intent of the bill. And I understand what you're trying to address.

So, in conclusion, while my amendment, I think, doesn't fix or still has inherent contradictions, still is going to lead to lawsuits, still lead to all sorts of questions, nevertheless, it will improve the bill.

I appreciate the chairman's willingness to support this amendment. It's an incremental improvement. It doesn't fix much, but at least it's another small step.

I yield back.

Mr. GEORGE MILLER of California. How much time do I have remaining?

The CHAIRMAN. The gentleman from California has 30 seconds.

Mr. GEORGE MILLER of California. I yield 15 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Chairman, we have these laws in 19 States. Nothing like that fantasy has ever come forward. There is a saying that if it ain't broke, don't fix it. If it doesn't exist, you can't fix it.

They have made this up. We have had the experience for over 25 years with laws exactly like this in 19 States.

Mr. GEORGE MILLER of California. I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Just on the underlying bill, every American deserves to have a nondiscriminatory workplace, and that means whoever you are, whatever faith, whatever sexual orientation, you deserve a nondiscriminatory workplace.

I rise to support this legislation and ask my statement to be put into the RECORD and to ensure that my constituents in Houston, Texas, can be free of discrimination in the workplace.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

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

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MS. BALDWIN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–422.

Ms. BALDWIN. Madam 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 Ms. BALDWIN:

Throughout the Act, insert ''or gender identity'' after ''sexual orientation'' each place it appears.

In section 3(a), after paragraph (5) insert the following (and redesignate succeeding paragraphs accordingly):

(6) GENDER IDENTITY.—The term ''gender identity'' means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

In section 8(a), insert after paragraph (2) the following (and redesignate succeeding paragraph accordingly):

(3) CERTAIN SHARED FACILITIES.—Nothing in this Act shall be construed to establish an unlawful employment practice based on actual or perceived gender identity due to the denial of access to shared shower or dressing facilities in which being seen unclothed is unavoidable, provided that the employer provides reasonable access to adequate facilities that are not inconsistent with the employee's gender identity as established with the employer at the time of employment or upon notification to the employer that the employee has undergone or is undergoing gender transition, whichever is later.

(4) ADDITIONAL FACILITIES NOT REQUIRED.—Nothing in this Act shall be construed to require the construction of new or additional facilities.

(5) DRESS AND GROOMING STANDARDS.—Nothing in this Act shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that the employer permits any employee who has undergone gender transition prior to the time of employment, and any employee who has notified the employer that the employee has undergone or is undergoing gender transition after the time of employment, to adhere to the same dress or grooming standards for the gender to which the employee has transitioned or is transitioning.

The CHAIRMAN. Pursuant to House Resolution 793, the gentlewoman from Wisconsin (Ms. BALDWIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. BALDWIN. Madam Chairman, I yield myself 3½ minutes.

Madam Chairman, in the United States, the law forbids discrimination in employment on the basis of a person's race, color, sex, religion or national origin. It forbids discrimination based on age or disability, perceived or real. These protections were not easy to achieve, but we are better for them.

Today, ENDA seeks to expand the law to prohibit job discrimination against people because of their sexual orientation, and my amendment would also include gender identity.

We have worked steadily over the years to rid our Nation of irrational hate and fear against gay and transgender Americans that too often results in violent hate crimes, ostracism, bullying and discrimination in employment, housing, public accommodations or education.

Today, at least 282 cities and towns and 19 States across the country have protections against discrimination based on sexual orientation in both public and private sector jobs. And more than 93 local jurisdictions in 11 States have laws that include protections based on gender identity.

195 American businesses employing more than 8.3 million American workers have exemplary policies that protect gay, lesbian, bisexual and transgender employees, consumers and investors; 58 percent of these firms provide employment protections on the basis of gender identity.

It is time for Congress to catch up to our communities and American businesses. Today we can strengthen our laws against discrimination in the workplace.

While gay and lesbian Americans are now out and accepted in record numbers, not everyone understands the issue of gender identity. Few understand how a person's body might not match their internal sense of gender.

□ 1700

This is not a new phenomenon. It is not a fad. And it is certainly not a reason to lose one's job.

Some have asked why it is essential to include protections for transgender Americans in this legislation. The answer is that this community shares a common history with the rest of the lesbian, gay, and bisexual community, a history of suffering, discrimination, and too often violence, just for being who they are.

The importance of nondiscrimination laws cannot be overstated. Substantively, they provide legal remedies and a chance to seek justice. Symbolically, they say that in America we judge our fellow citizens by their integrity, their character, their talents; and not their sexual orientation or gender

identity, race or religion, age or disability.

Irrational hate and fear have no place in our society. If we truly believe in life, liberty, and the pursuit of happiness; if we truly want to protect the most vulnerable in our society; if we continue to profess that all men are created equal, then we must work towards achieving the American Dream for all, and not just for some.

Madam Chairman, I reserve the balance of my time.

Mr. SOUDER. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. SOUDER. If I may inquire, do I have the right to close?

The CHAIRMAN. Yes, the gentleman does.

Mr. SOUDER. Madam Chairman, I yield myself 4 minutes.

This amendment both would protect transgender in the sense of people who have had sex change operations, and transvestites, people who dress up as the opposite sex, who are not covered, apparently, under the underlying bill.

This bill was to come in front of our committee. Ostensibly, partly because there was a major convention, a disruption occurred on the other party's side over this particular amendment, and the bill was withdrawn. Then continued debate occurred, and in committee a number of the Democrat members voted against the bill because this amendment wasn't included, and, presumably, that was going to be so the amendment could be offered on the floor and people would have a right to vote on this.

I don't really need a right to vote on it. I think most people probably know where I stand on the issue. But I think that to not have a vote on an amendment like this is a political ploy. It's a political ploy in the sense of what appears to be happening here is that the majority doesn't want to have the embarrassment of their side dividing on an issue. Or maybe they're afraid that our people would actually vote for this amendment and put it over the top to kill the bill, but I would suggest on a vote like this, that would be extremely unlikely. I think it's more that they want to shield their Members from having a difficult vote. Therefore, they can go out and tell the transgender community, oh, we tried, but, in fact, in a very peculiar rule, it appears that the intention is to keep us from calling for a vote and having Members actually show where they stand on this issue, not where they give speeches on this issue but where they actually stand on this issue. Clearly, the word ''perceived'' in an amendment that I had been denied for this bill would have had a huge relevance also to this particular category.

The challenge before us as we look at this, and from a conservative perspective, we have heard repeatedly today from multiple speakers, from the opening debate on rules, through the general debate, through here, that we are eventually going to move in this direction. And yet we are told that we as conservatives are paranoiac, that religious organizations are going to be protected, this and that, it's going to be protected.

We have seen the Democrats move and add a title VII protection that they opposed over in the faith-based for years on this House floor. We saw them add a defense of marriage clause, which they had opposed for years. We've seen them move even to the point of including, contrary to what the majority leader said that the government is applying this, know that the military is exempt from having this bill applied to them, inconsistency. Clearly, they are willing to tolerate major changes in the majority's position in order to move the bill, which moves people on the other side to ask, what's the point of moving the bill if there are this many compromises? Oh, they've been saying all day long that they're going to expand this bill. Once it becomes law, it's going to go to court to resolve the different things. Hence, some of us believe that many of the things that were added today, on the marriage clause, on the religious exemption clause, the blocking of this amendment to be offered, were to make the bill more palatable. As my friend the chairman of Financial Services said, you can't get everything in the first thing. It's to make it more palatable to, in effect, move it in place.

And this isn't the end of the day here. This is the start of a move that many of us who just simply don't approve of the lifestyle, there are many different things we don't approve of, but this is a deeply held position of faith by millions of Americans. And this is an attempt, a start, of what's likely to be an increasing effort to have sexual liberties trump religious liberties.

Madam Chairman, I reserve the balance of my time.

Ms. BALDWIN. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Wisconsin is recognized for 1½ minutes.

Ms. BALDWIN. My amendment reflects my belief that we should be acting on an inclusive ENDA, covering both sexual orientation and gender identity. Now, those of us in politics know that it is much easier to protect a provision in a bill from removal on the floor than it is to add a provision to a bill once it has been reported out of committee. This amendment is no exception to that rule. But while I believe that a roll call vote on this amendment would demonstrate strong support for an inclusive ENDA, I believe that it will fall short of adoption.

People have asked why I pressed for and insisted upon bringing an amendment to the floor and maintaining the option to withdraw it without a vote. The reason is simple: I believe that those who will be left behind by this bill deserve to hear on this House floor that you are not forgotten and our job will not be finished until you too share fully in the American Dream.

So at the moment at which the closing arguments are made, I will withdraw this amendment with a commitment to my colleagues and all Americans committed to equality of opportunity and ending discrimination that I will do everything within my power to make this measure whole again.

The CHAIRMAN. Does the gentlewoman yield back her time?

Ms. BALDWIN. If I withdraw right now, I will preclude the gentleman from making his closing. I do not want to preclude him from doing that; so I will just wait to withdraw until he has finished with his remarks.

Mr. SOUDER. I have the right to close since I am defending?

The CHAIRMAN. The gentleman has the right to close and has 1¼ minutes remaining.

Mr. SOUDER. I will reserve the balance of my time until she yields back. I have the right to close.

The CHAIRMAN. The gentlewoman from Wisconsin's time has expired.

Mr. SOUDER. Madam Chairman, I strongly oppose this amendment. I believe the majority of the House opposes this amendment.

Mrs. MALONEY of New York. Madam Chairman, I rise today in strong support of the amendment offered today by my distinguished colleague, Congresswoman TAMMY BALDWIN.

Transgender Americans need and deserve protection from employment discrimination. All too often they bear the brunt of brutal bigotry, and are subject to unspeakable hatred and violence inspired by fear and ignorance.

That is why I strongly support this amendment to provide protection from job discrimination to transgender Americans.

Congress took an important step earlier this year when we passed a hate crimes bill that included protections for lesbian, gay, bisexual, and transgender people.

It is unfortunate that there is not at this time the same degree of support in the House to pass this measure.

Discrimination based on gender identity and gender expression should simply not be tolerated in the United States of America.

And, while there may not be enough support for us to pass this amendment today, I pledge to work with my distinguished colleague from Wisconsin and other like-minded Members to educate and persuade this House of the need to enact protections from discrimination for transgender Americans.

We will not rest until the right of every American, regardless of his or her gender identity or gender expression, to live free of fear, discrimination and intolerance is the law of the land.

I urge my distinguished colleagues in this House to strike a blow for justice and tolerance by passing this amendment.

Mr. SOUDER. Madam Chairman, I yield back the balance of my time and call for a recorded vote.

Ms. BALDWIN. Madam Chairman, I withdraw the amendment.

The CHAIRMAN. Pursuant to House Resolution 793, the amendment is withdrawn.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SOUDER. Since I moved for a recorded vote before the amendment was withdrawn and because I had the right to close, how did she get recognized over my motion?

The CHAIRMAN. The gentlewoman withdrew the amendment before the Chair put the question on the amendment.

Mr. SOUDER. But why did you recognize her when I had the right to close?

The CHAIRMAN. The gentleman made the closing remarks in debate. Then the amendment was withdrawn.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Is it in order to demand a roll call before the Chair has put the voice vote?

The CHAIRMAN. No.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GEORGE MILLER of California.

Amendment No. 2 by Mr. SOUDER of Indiana.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 1 printed in House Report 110–422 offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 402, noes 25, not voting 10, as follows:

[Roll No. 1054]

AYES—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
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, David
Davis, Lincoln
Davis, Tom
Deal (GA)
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
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
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
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
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
Norton
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
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
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—25

Barrett (SC)
Barton (TX)
Blackburn
Broun (GA)
Cannon
Culberson
Davis (KY)
Foxx
Gohmert
Goode
Johnson, Sam
Jones (NC)
Lee
Lewis (KY)
Linder
Marchant
McCaul (TX)
Pitts
Schakowsky
Shuster
Stark
Tsongas
Velázquez
Wasserman Schultz
Woolsey

NOT VOTING—10

Braley (IA)
Buyer
Carson
Christensen
Cubin
Jindal
LaHood
Oberstar
Paul
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Two minutes remain in this vote.

□ 1735

Mr. STARK, Ms. WOOLSEY, Ms. VELÁZQUEZ and Ms. SCHAKOWSKY changed their vote from ''aye'' to ''no.''

Messrs. FORBES, MILLER of Florida, LAMBORN, SALI, BURTON of Indiana, ADERHOLT, KINGSTON, AKIN and Ms. WATERS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 2 printed in House Report 110–422 offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 325, noes 101, not voting 11, as follows:

[Roll No. 1055]

AYES—325

Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)

Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Norton
Nunes
Obey
Olver
Ortiz
Pascrell
Pastor
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
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—101

Abercrombie
Ackerman
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Capps
Castor
Clarke
Clay
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Dingell
Ellison
Engel
Farr
Filner
Giffords
Gillibrand
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hinchey
Hodes
Holt
Honda
Inslee
Israel
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kucinich
Lantos
Larsen (WA)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Matsui
McDermott
McGovern
McNulty
Meeks (NY)
Michaud
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Pallone
Payne
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Slaughter
Smith (WA)
Solis
Stark
Sutton
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Boren
Braley (IA)
Buyer
Carson
Christensen
Cubin
Jindal
LaHood
Oberstar
Paul
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1744

Mrs. LOWEY changed her vote from ''aye'' to ''no.''

Ms. CORRINE BROWN of Florida, Messrs. NEAL of Massachusetts, CLEAVER, WALZ of Minnesota, UDALL of Colorado and GENE GREEN of Texas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNYDER) having assumed the chair, Mrs. TAUSCHER, 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. 3685) to prohibit employment discrimination on the basis of sexual orientation, pursuant to House Resolution 793, she 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.

□ 1745

MOTION TO RECOMMIT OFFERED BY MR. FORBES

Mr. FORBES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. In its present form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes moves to recommit the bill, H.R. 3685, to the Committee on Education and Labor with instructions to report the same back to the House promptly with the following amendment:

In section 8(c) (as amended), strike ''As used in'' and insert the following:

(1) As used in

At the end of section 8(c) (as amended), insert the following:

(2) Nothing in this Act may be construed to modify, limit, restrict, or in any way overturn any State or Federal definition of marriage as between one man and one woman, including the use of this Act as a legal predicate in litigation on the issue of marriage.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, one of the big concerns that many of us have with legislation of this type is that courts across the country have used it to establish public policy, and then certain judges have taken that and determined from that public policy that they are going to redefine the institution of marriage.

In considering this bill, I am deeply troubled by not only what is in the bill, but where I believe this bill is leading us. And you don't have to take my word for it. A memo from the Marriage Law Project at Catholic University's Columbus School of Law noted this:

''ENDA is about more than jobs. It is also about marriage. ENDA is based on the idea that State laws restricting marriage to the union of one man and one woman are a 'subterfuge' for discrimination against homosexuals and bisexuals. If the courts accept the proposition that marriage is a 'subterfuge' for discrimination on the basis of sexual orientation, the Defense of Marriage Act will be struck down as unconstitutional.''

And that is the goal, Mr. Speaker. This legislation will ultimately allow activist judges across the country to redefine the institution of marriage. The majority might say that is not their intent, but I guarantee that is exactly what will happen if ENDA passes as it is. If we don't vote to stop it, then we are tacitly allowing one of our most sacred institutions to be torn down.

This legislation will provide certain activist judges with the legal justification to strike down State and Federal

marriage laws that define marriage as between one man and one woman. State ENDA laws are being used by activist judges to impose same-sex marriage and civil unions on States. State courts are using ENDA and other similar laws to justify the argument that the government has no rational basis to continue discriminating in the area of marriage. And this is not something that might happen down the road. It has already happened in three States: Massachusetts, Vermont and New Jersey.

In Massachusetts, the supreme court there decided in Goodridge v. Department of Public Health that there was no rational basis for the denial of marriage to same-sex couples. In that case the court cited a list of State statutes, including nondiscrimination laws, as evidence that the State should not discriminate in the area of marriage. The court's opinion laid it out clearly, writing, ''Massachusetts has a strong, affirmative policy of preventing discrimination on the basis of sexual orientation.'' You can't get any clearer than that on how nondiscrimination laws can be used to undermine marriage.

However, even before the Massachusetts decision, the supreme court of Vermont in 1999 ordered the State legislature to pass either a same-sex marriage or civil union law. The Vermont court relied in part on the fact that the State had a law preventing discrimination based on sexual orientation. The court said it would be irrational and thus not meet the rational basis test to argue that the State could refuse to allow same-sex marriage or civil unions when they clearly already had a law prohibiting discrimination on the basis of sexual orientation.

Most recently, New Jersey's courts have gotten into the game. In 2006, the New Jersey Supreme Court gave the State legislature 6 months to pass either a same-sex marriage law or a civil union law. In Lewis v. Harris the court stated, ''New Jersey's legislature has been at the forefront of combating sexual orientation discrimination and advancing equality of treatment towards gays and lesbians. In 1992, through an amendment to the law against discrimination, New Jersey became the fifth State in the Nation to prohibit discrimination on the basis of affectional or sexual orientation.''

Mr. Speaker, I rise today to ensure that this bill does not become the building block that some may want to use to destroy the institution of marriage. The motion simply says this: That nothing in this act may be construed to modify, limit, restrict, or in any way overturn any State or Federal definition of marriage as between one man and one woman, including the use of this act as a legal predicate in litigation on the issue of marriage.

On the wall in my office, I have a framed copy of the Declaration of Independence and the pictures of our Founding Fathers. This wall serves as a reminder to me of the ideals and institutions our country was founded on. Yet every day we see people trying to rewrite our history and tear down those ideals and institutions.

This country is great because of the ideals of our Founding Fathers, but eventually if we chip away at enough of our values, we will lose our foundation. This is what is happening and will continue to happen unless we stand up and make sure it doesn't.

Marriage between a man and woman has been the cornerstone of strength in our country, and while it may be under attack from all sides, I believe it is an institution worth protecting. This motion allows us to take a stand for marriage, for our country, and, at least for today, puts a stop to those that are trying or may try to use this legislation as a predicate to change those laws. This motion would ensure that the intentions of this Congress are clear and unambiguous.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Before I begin, I have an inquiry: If I could yield to the gentleman from Virginia, the proponent of the motion, would he consider my making a unanimous consent request to change this to a ''motion of forthwith,'' so the House could simply adopt this ''forthwith'' and go to dinner?

Mr. FORBES. I would object.

Mr. FRANK of Massachusetts. Well, this is now clear. This is a motion to do this promptly. ''Promptly'' means at the speediest nine calendar days, because it does not, as the Parliamentarian has informed us in writing, waive any of the rules for committee meetings, for Rules Committee, et cetera. So the purpose here, the intent, perhaps not the purpose, but the unmistakable intent would be to put this off until after we are due to adjourn November 16. And for what purpose? For the purpose of restating what has already been stated.

It is interesting, Mr. Speaker, and I take some encouragement from this, that opponents of the principle of nondiscrimination don't want to debate it on its merits. We haven't heard any defense of discrimination. We just have a parliamentary maneuver to protect it.

This is not about marriage. In fact, this is not a recommit. It is a statement. It says ''nothing in this act may be construed.'' Correct. No one who reads English could think to the contrary.

But, just to make sure, the gentleman from California offered a motion, and the minority tried to have it not be roll-called, and you voted for it, Members of the House. It says, ''As used in this act, the terms 'married' or 'marry' refer to marriage as defined in section 7, title I of the U.S. Code, the Defense of Marriage Act.'' The Members of the House just voted overwhelmingly to reaffirm that definition.

So what do we have? A motion now simply to delay by reaffirming the last vote.

The gentleman from Indiana thought there was some other language that might lead to a marriage problem, so we adopted that. So this is the third effort to say the same thing. It is not to say the same thing, but to defeat it.

I would say this. I would recommend to my friend from California, who has done such a good job on this, once we have concluded this, report this out as a separate bill, this third reiteration, if it gives people some comfort.

I asked the gentleman to make it ''forthwith.'' If there was a real need to do this, it would be now part of the law and we would be voting. It is ''promptly'' because it adds nothing to the bill, nothing, literally nothing; it subtracts nothing. It is simply a motion to delay.

I now want to address that. I want to address the motion to delay.

Mr. Speaker, we say here that we don't take things personally, and usually that is true. Members, Mr. Speaker, will have to forgive me. I take it a little personally.

Thirty-five years ago, I filed a bill to try to get rid of discrimination based on sexual orientation. As we sit here today, there are millions of Americans in States where this is not the law. By the way, 19 States have such a law. In no case has it led to that decision. The Massachusetts law passed in 1989, that did not lead to the decision in 2004. Unrelated.

But here is the deal. I used to be someone subject to this prejudice, and, through luck, circumstance, I got to be a big shot. I am now above that prejudice. But I feel an obligation to 15-year-olds dreading to go to school because of the torments, to people afraid that they will lose their job in a gas station if someone finds out who they love. I feel an obligation to use the status I have been lucky enough to get to help them.

I want to ask my colleagues here, Mr. Speaker, on a personal basis, please, don't fall for this sham. Don't send me out of here having failed to help those people.

We have already today twice voted overwhelmingly to repudiate any suggestion that this had anything to do with marriage. What you have is a ploy by people who want to keep discrimination on the books, who want to deny protection to so many vulnerable victims of discrimination, but they at least understand that is not something you can say explicitly. So they give us this sham.

I ask, I ask again, would the gentleman allow us to adopt this forthwith? I would yield to the gentleman for that purpose so we can make that forthwith.

Mr. FORBES. Mr. Speaker, I would be glad, if the gentleman would yield me some time.

Mr. FRANK of Massachusetts. I asked the gentleman a simple question.

Mr. FORBES. If the gentleman doesn't want me to respond, then I won't.

Mr. FRANK of Massachusetts. The response is ''no.'' I was ready to yield to make this ''forthwith'' so this extra language which does nothing could be added. But if you don't do that, as they won't, and you vote for this, you are killing this bill. Understand that. Nine days later it is too late for this bill and we are out of this.

So I will close with this. Yes, this is personal. There are people who are your fellow citizens being discriminated against. We have a simple bill that says you can go to work and be judged on how you work and not be penalized. Please don't turn your back on them.

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. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered, and suspension of the rules and adoption of House Concurrent Resolution 236.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 13, as follows:

[Roll No. 1056]

YEAS—198

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

NAYS—222

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
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)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
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
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Boren
Braley (IA)
Buyer
Carson
Cubin
Giffords
Herger
Jindal
LaHood
Oberstar
Paul
Shuster
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1816

Mr. TAYLOR changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 1056, the Forbes motion to recommit H.R. 3685—Employment Non-Discrimination Act with instructions, I was unavoidably detained and missed the vote. Had I been present, I would have voted ''yea.''

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.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 184, not voting 14, as follows:

[Roll No. 1057]

YEAS—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McNerney

McNulty
Meek (FL)
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Clarke
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Doolittle
Drake
Duncan
Edwards
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Towns
Turner
Upton
Velázquez
Walberg
Walsh (NY)
Wamp
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Boyd (FL)
Braley (IA)
Buyer
Carson
Cubin
Giffords
Jefferson
Jindal
LaHood
Oberstar
Olver
Paul
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1823

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE CLOSE RELATIONSHIP BETWEEN THE UNITED STATES AND THE REPUBLIC OF SAN MARINO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 236, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 36, as follows:

[Roll No. 1058]

YEAS—396

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
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
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
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
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
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)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—36

Ackerman
Bartlett (MD)
Bilirakis
Boren
Braley (IA)
Buyer
Cannon
Carson
Carter
Conyers
Cubin
DeGette
Doggett
English (PA)
Giffords
Gingrey
Harman
Hirono
Jindal
LaHood
LaTourette

Lee	Oberstar	Roybal-Allard
Lewis (KY)	Paul	Smith (WA)
Loebsack	Pitts	Stark
Maloney (NY)	Ramstad	Westmoreland
McDermott	Rohrabacher	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1832

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–435) on the resolution (H. Res. 806) providing for consideration of the conference report to accompany the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 3688, UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 801 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 801

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The bill shall be debatable for three hours, with 45 minutes in favor of the bill controlled by Representative Rangel of New York or his designee, 45 minutes in favor of the bill controlled by Representative McCrery of Louisiana or his designee, 45 minutes in opposition to the bill controlled by Representative Michaud of Maine or his designee, and 45 minutes in opposition to the bill controlled by the Minority Leader or his designee. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 3688 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 801 provides for consideration of H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act, under the closed rule required by the fast track law. The rule provides for a total of 3 hours of debate, equally divided by proponents and opponents of the underlying bill.

I rise today in support of the rule and the underlying legislation, H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act. I want to congratulate Chairman RANGEL, Chairman LEVIN and members of the Ways and Means Committee on bringing this trade agreement before us today.

Mr. Speaker, last week we passed legislation to help strengthen our current trade adjustment assistance program to protect American workers. Our country faces increased pressure as a result of globalization, and we must continue to reaffirm our commitment to the American workforce. It is evident that we need to change our current trade strategy.

At the same time, we must also acknowledge the positive impact that international trade has had on our economy. International trade currently accounts for a quarter of our gross domestic product.

Competition has proven to spur innovation and create new jobs. In my home State of California, we know that our IT companies need exports of semiconductor chips. Our farmers need the markets of Europe, Asia and Latin America. And our entertainment industry, financial services and telecom companies need to sell their services to grow and create jobs.

But it also affects industry in America. We know that, and that is why we have a balanced approach to our trade agreements.

Mr. Speaker, the trade agreement before us today is part of the broad context in which we should consider trade policy. It will establish an important precedent for how we craft future trade agreements.

Under the new Democratic Congress, free trade agreements must provide strong labor and environmental protections. They are essential to promoting healthy workplaces and competition for American employees and around the world.

Congress must consider each agreement on its merits. In some cases, these agreements will meet increased access for American producers and service providers. In other cases, these agreements could mean more competition and would significantly impact our workers and communities.

I understand that many of my colleagues have strong views on trade, but one thing we can all agree on and be proud of is the fact that our leadership worked vigorously to ensure that democratic principles were included in the Peru agreement.

In previous free trade agreements, these principles were noticeably absent. The initial Peru Free Trade Agreement draft reflected the ''business as usual'' approach that this administration has based its trade policies on. Democratic leadership went to Peru, met with the Peruvian president and prominent members of its Congress and developed a new free trade agreement, one that includes the strongest labor and environmental chapters in any of the world's over 300 bilateral free trade agreements.

It is not CAFTA. This is the first free trade agreement of its kind. It is a new free trade agreement, one that incorporates fully enforceable internationally recognized labor standards; that also promotes international environmental standards, including combating illegal logging, protecting the ozone layer, and our oceans; and an agreement that will provide Peruvians with lifesaving medicines. All three provisions are unprecedented in any free trade agreement and all three are core democratic principles that we should all be proud of.

This agreement is also about leveling the playing field for U.S. companies to compete in the Peruvian market. The Andean Trade Preference Act passed in 1991 and expanded in 2001 allowed Peruvian companies to benefit from duty-free trade with the United States. Meanwhile, U.S. goods exported to Peru continued to face tariffs as high as 12 percent.

The agreement before us today will give U.S. businesses immediate, duty-free access for more than 80 percent of U.S. consumer and industrial goods. This agreement will also allow us to forge a closer alliance and relationship with one of our southern neighbors. It is no secret that other countries are investing heavily in that part of the world. This agreement will send a strong message to our southern neighbors that the United States is here to help promote openness in their government and their economy.

In closing, I urge my colleagues to look at each free trade agreement based on its merits. It is easy to promote or oppose free trade unequivocally and not look at the facts of each agreement. I am confident that this agreement will benefit our Nation, benefit our workers, and benefit our businesses. This agreement will serve as a model free trade agreement for years to come.

Once again, I want to congratulate Mr. RANGEL and Mr. LEVIN for their hard work.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume. I express my appreciation to my colleague from Sacramento for yielding me the customary 30 minutes.

I have to begin by saying that as I saw my friend from Sacramento stand up, I couldn't help but think about the many years in the early 1990s that I worked very closely with her late husband, Bob Matsui, on trade agreements. We worked very closely on the North American Free Trade Agreement and a wide range of other agreements. I would just like to say that I know that he would be very proud to see his wife, DORIS, here participating and working very hard on this agreement.

I also have to say that I am very pleased to see so many of my colleagues and for us to, as the gentlewoman from Sacramento just said, working in a bipartisan way on this. We have the distinguished chairman of the Committee on Ways and Means, my very good friend from New York (Mr. RANGEL), talking to JERRY WELLER from Illinois, who has been a great champion of free trade for a long period of time.

I am particularly glad to see people like the distinguished chairman of the Trade Subcommittee, Mr. LEVIN, with whom I have, over the past several decades actually, engaged in a rigorous discussion and exchange on a lot of trade issues. We have had a different perspective in the past.

While I am not in complete agreement with every single aspect of this, I am very proud to be joining in support of his initiative here. Of course, I see Mr. CROWLEY who has worked hard.

On our side sitting right here, Mr. Speaker, we have our distinguished friends from Florida, the DIAZ-BALART brothers, sandwiching our great friend, Ms. ROS-LEHTINEN, as they have demonstrated a very strong commitment to security and economic development within this hemisphere.

So I will say that we are at this moment beginning a debate on what I truly believe is one of the most important national security issues as well as economic growth issues for the United States of America, the U.S.-Peru trade agreement.

The vote on this implementing bill has been a long time in coming, as my colleague from Sacramento said. We have pending trade agreements with three Latin American countries, Colombia and Panama, in addition to this Peru agreement. And I hope very much, Mr. Speaker, since from my perspective, and I know not everyone agrees with me, but I believe very passionately, as I know my colleagues sitting here with me on the second row agree, that these three trade agreements are very, very important and the arguments in behalf of their passage are, in fact, very, very similar. As I said, we begin today with Peru, and I believe we will pass this bill with a large bipartisan majority.

I want to again commend my great friend, CHARLIE RANGEL, and our ranking member, JIM MCCRERY, with whom Mr. RANGEL has worked very closely on these trade agreements. I congratulate both of them for having worked so hard on this. They have worked to restore what I believe is so critically important, and that is the bipartisan tradition of trade.

I failed to mention Mr. NEAL. I do, of course, recognize my friend from Massachusetts, who is obviously working on and has got to be supportive of this since he is sitting next to the chairman of the Ways and Means Committee. I believe, Mr. Speaker, that we are now restoring this great bipartisanship when it comes to trade and I think it's a great day for this institution.

The Peru agreement is an excellent place to begin to renew that support for open trade as an institution, because the economic benefits will be largely focused on the one thing we all seem to agree on. What is the one thing that every single American agrees on when it comes to the issue of trade? That is exports.

We all agree that we want to open up new markets. I don't believe that a single one of my colleagues would consider arguing that exporting goods and services from the United States of America is a bad thing.

□ 1845

We're all in agreement increasing our exports to foreign markets is very positive for American workers, producers and our economy at large. And the reality is that exports are central to the issue of trade with Peru. Why? Because we have long had an open door to products coming from Peru into the United States. Congress created and extended a system of trade preferences for Peru, Colombia and other countries as well, which allows their goods to enter the U.S. market. So the U.S. consumer can have access to those tariff free. These preferences have enjoyed overwhelming bipartisan support, overwhelming bipartisan support for these preferences that allow Peruvian, Colombian, Panamanian goods and services to come into this country duty free. That's existed and, again, that has enjoyed bipartisan support.

What we need to do now is we need to make sure that we take the step, having opened up our markets to them, to make sure that we open up their markets for U.S. goods and services.

That's what all three of these agreements, Mr. Speaker, are all about. We unilaterally extended duty-free access to our market because we wanted to help create real opportunities for workers and producers in this region to enter the worldwide marketplace.

Now, these preferences have been very successful. They've boosted exports to the United States and gave workers in those countries, Colombia, Peru and Panama, they gave these workers an alternative to the drug trade and other illicit industries. They've helped to usher in a new peaceful, prosperous era for all three of these countries, Peru, Colombia and Panama, where poverty is diminishing and, as well all know, democracy is solidifying.

Now it's time to make this a reciprocal arrangement. U.S. exports, things made by Americans, our workers, should get the same treatment in their markets as Panamanian, Peruvian and Colombian workers get with access to our markets. With this Peru Free Trade Agreement, we will begin to level the playing field for American workers.

I happen to believe that comprehensive, broad-based liberalization brings about the greatest economic benefits. I know some in this body might disagree. But as I've said, we all recognize the benefits of increased exports. Having opened the door on imports, we now must give our own exports equal footing.

Those who would oppose this agreement today should recognize that they oppose nothing less than the promotion of American exports, the promotion of products made by U.S. workers.

A vote, Mr. Speaker, against the Peru Free Trade Agreement is not a vote against free trade. It is a vote against giving Americans, American workers, a fair shot.

But the significance of this agreement reaches far beyond economics, as I said at the outset. Just as our system of trade preferences was rooted in foreign policy, so is this agreement; our system of trade preferences dealing with the drug problem that Mr. RANGEL's been involved in for decades, and I've enjoyed working with him in that battle. Just as that is, this also is very similar in that it is dealing with a foreign policy objective of ours.

We have come to realize that one of the greatest challenges of the 21st century is the promotion and strengthening of democratic institutions throughout the globe.

This is a battle for hearts and minds. It is a struggle to ensure that liberty and the rule of law prevail over tyranny. And we heard that stated so eloquently right in this Chamber at 11 o'clock this morning when we had that spectacular speech delivered by Nicolas Sarkozy, France's new President. It is a struggle to ensure that opportunity and prosperity prevail over hopelessness that turns into extremism.

Mr. Speaker, this is a challenge that has risen in the far corners of the globe, but it also exists right here in our own backyard. Today, Latin America, as we all know, is at a crossroads. Where armed conflict, drug wars, poverty and stagnation were the norm just a few years ago, a quiet revolution of economic and political liberalization has begun to transform a continent. Slow, steady reform has put much of this hemisphere on the right path.

But there has been a resurgence in antiliberalization forces that does threaten this reform. We all know that Hugo Chavez in Venezuela is systematically dismantling the institutions of democracy and free markets in his own country and exporting his authoritarian agenda to his neighbors. We all know that all we need to do is look at his circle, his close circle of friends: Mahmoud Ahmadinejad, Fidel Castro, Daniel Ortega. That demonstrates the level of tyranny to which he aspires. He has already drawn Evo Morales in Bolivia and Rafael Correa in Ecuador into his orbit. Hugo Chavez and his assault on free government and free markets is a direct threat to the American ideals and the ideals, again, that were outlined so eloquently by President Sarkozy this morning, those ideals of liberty and prosperity. We want them prevailed throughout the world and we certainly want to take every step that we can to ensure that those principles of freedom and liberty and prosperity thrive right here in this hemisphere.

And yet there are bulwarks for these American ideals in the region, and Peru is a key example. Peruvian President Alan Garcia himself embodies the struggle between these two visions. He first served as President of Peru in the 1980s, governing with antiliberalization philosophy. He presided over a withering economy that offered very little hope to Peruvians. And he said to us when we, in a delegation, visited with him when we were with our great Commerce Secretary, Carlos Gutierrez, that the statist populace vision of the past has failed. At that point, Mr. Speaker, he presided over that withering economy that offers, as I said, very, very little hope to Peruvians. But unlike most of us in politics, President Garcia is today getting a second chance. Nearly two decades after his first term, he has returned to the presidency and he has learned from his mistakes. He's been a champion of this agreement and our goal of solidifying the economic and political reform that has taken place. He is part of the anti-Chavez vision for Latin America, and he is joined by other allies in reform like President Uribe in Colombia, like President Torrijos in Panama.

We have a very clear choice today, Mr. Speaker. We can strengthen the hand of Hugo Chavez, or we can strengthen the hand of the liberalizers and proponents of democracy and free markets. This is the battle for hearts and minds, and it's taking place right here in the Western Hemisphere. We know who our good friends are, and Peru, Colombia and Panama lead the pack. It's no coincidence that we embarked on trade negotiations with all three of these very important allies of ours.

I would have liked to have had a vote on each of these critical agreements today. I very much wish that we could be voting on all of them today. But I'm pleased to at least begin with Peru. And I will say again that I very much look forward to our voting, I hope just as soon as possible, on the agreements with Colombia and Panama, because the exact same arguments that I have propounded are similarly applied to Colombia and Panama, the arguments I've made for Peru. All three share the same benefits and all three pose the same risks if we fail to implement them. All three extend our trade system, our trade preference system to American workers and producers, and all three are critical to our quest to strengthen and solidify political and economic freedom throughout Latin America.

I urge my colleagues to support this rule and the underlying trade agreement. And I urge the Democratic leadership, Mr. Speaker, to move as quickly as possible to bring forward the pending agreements with Colombia and Panama. And I urge them not to let politics undermine liberty in our hemisphere.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I'm really not sure why we're under this great rush to make these agreements, especially with a couple of countries that were named that do not have good human relations records and are not bastions of freedom. I don't understand, and I think most Americans don't understand, why we are so anxious to cut some kind of a deal, when we know that Americans are losing jobs.

I walk through my own community and I see empty factories. I look around the State of New Hampshire and I see people have lost jobs, and people shrug and say to me, the jobs have gone overseas. They may not understand exactly what the trade agreement was, but they know they lost their jobs.

And in December, once again, we'll see a factory close in New Hampshire. This is a great tragedy. We may discount 20 jobs, 100 jobs, 200 jobs here and there, but ultimately what we're saying to Americans is we're sending your jobs overseas, and we hope that you'll be retrained, and we hope that you'll be able to finance your home and finance your car and educate your children. But really, this globalization effort is in your best interest. And you know, sometimes it is.

Democrats are not against free trade. But what we are for is fair trade and making sure that our own people can maintain their lifestyle and that they'll have worker benefits and that they'll be able to retire, just like the generation before.

I'm holding in my hand an article from The Washington Post from today, and Harold Meyerson wrote, and he's so right, ''Why the Democratic rush on trade? Globalization does pose real challenges to working and middle-class Americans. Democrats should wait until they're in a position, say, in 2009, to begin to restore some security to Americans' economic lives before they return to cutting trade deals. Their electoral prospects, and the Nation's economic prospects, demand no less.''

I'm a freshman here, and I came in with a lot of other freshmen who heard across their districts the worries of middle-class, working-class Americans worried about their futures. We share that worry, and that's what's made us stand here tonight.

Why can't we have a moratorium? Why rush? Why take the chance?

Moving to other nations for cheaper labor is not fair to Americans and, in the end, will hurt our own country.

So I urge my colleagues to say ''no'' to these deals.

Mr. DREIER. Mr. Speaker, at this time I'm very happy to yield 3 minutes to my good friend and hardworking colleague on the Rules Committee, the gentleman from Miami (Mr. LINCOLN DIAZ-BALART), a great champion of freedom.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend and I thank you, Mr. Speaker.

The goal, Mr. Speaker, of our trade policy should be free trade among free peoples. And this agreement that we bring to the floor today, I think, is so important for many ways. If there is a nation that not only is a friend, but that has withstood extraordinary challenges, including violence, terrorism, extraordinary attacks to its free institutions, it is our neighbor and our friend, Peru. And they have, the prior administration with President Toledo, now the administration of President Alan Garcia, they have repeatedly demonstrated that they wish to deepen their relations with the United States, that they wish to tie their economic future to the United States. And tonight is our opportunity to respond and say to our friend, Peru, we recognize the steps you have made. We recognize not only the good-faith efforts that you've made to come to this agreement and to, by the way, renegotiate it after the political dynamic change. The situation changed here a year ago, and a renegotiation was required by the new leadership in this Congress of President Garcia.

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And the Peruvian Government demonstrated once again good faith and walked the extra mile to come to this agreement. This agreement is in the interest of the United States, of the workers in the United States, and it's in the interest of Peru.

When I say ''free trade among free peoples,'' Mr. Speaker, I think it's important to realize that peoples throughout the world should have an opportunity to raise their voices, to be heard, to form civil society, environmental groups, labor groups, to fight for their rights, to fight for their human rights, for their legal rights. In Peru, despite extraordinary challenges, there is freedom, and people can organize, as they can in the United States,

in civil society, in environmental organizations and labor organizations and others to demand their rights and speak up when their rights are violated. That's the great difference when we, for example, trade with a democracy with great challenges like India or a tyranny like, for example, Communist China. I always like to point out the difference. Free trade with free peoples.

Tonight we enter into an agreement with a free people that is, in addition to being free, a great friend of the United States. So it is my privilege tonight to ask for our colleagues to support this rule and the underlying legislation.

Ms. MATSUI. Mr. Speaker it is my privilege to yield 2 minutes to the gentleman from New York, chairman of the Ways and Means Committee, my friend (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I'm going to be extremely brief because I expect to be speaking at a later time on the bill. But I could not resist coming to the floor to protect the integrity of the Speaker and the members of the Ways and Means Committee, both Republican and Democrat.

There may be, as a matter of conscience, that people feel that they have to oppose this bill or oppose trade or commitments they have made to other people. But to suggest that the leader of this House and those Republicans and Democrats who worked on the Ways and Means Committee and passed this out with a recorded vote without a vote against it were trying to have Americans lose their jobs here is not only unfounded, but it's unfair.

And if anyone really just wants to count the numbers, then ask our farmers, ask our machine people, ask our television or electronic people how much they are going to export to Peru because of the removal of tariffs and how much is coming into this country.

So you can be against trade. You can be against the agreement. It may not go far enough. It may not be everything you want. But I think it is wrong and unfair to suggest that we are deliberately trying to have people here, hardworking people, many who have suffered because of loss of jobs, and perhaps it has been because of trade or the indifference of people to invest in these families or in these communities, but this bill does not cause Americans to lose jobs. It's abundantly clear that the balance is on America's side in terms of removal of the tariffs. And for those of you who come from agricultural communities, ask your farmers. For those of you who come from machines that remove communities and mining materials, ask those manufacturers. And ask the people that would create the jobs whether or not it's good for them and good for the community.

So you can be against trade. You can be against South America. You can be against anything. But to suggest that those that do support this bill will cause Americans to lose their jobs is untrue and unfair.

Mr. DREIER. Mr. Speaker, at this time I'm happy to yield 3½ minutes to my very good friend from Miami (Ms. ROS-LEHTINEN), ranking member of the Committee on Foreign Affairs.

Ms. ROS-LEHTINEN. I thank the gentleman from California for the time.

I am extremely pleased, Mr. Speaker, that we are considering the Peru Free Trade Agreement tonight. The decision to move forward with legislation that expands our commercial relations with Peru signals the importance that this agreement holds for U.S. economic and security interests in the Andean region and, in fact, in Latin America as a whole. The benefits to both of our countries are significant.

By removing barriers on our exports to Peru, this agreement will add $2.1 billion per year to our U.S. economy. The positive impact will be felt across the country. With almost one-fifth of the total bilateral merchandise trade between the U.S. and Peru moving through my home State of Florida, I know firsthand the importance of this agreement for our home State economies and our constituents.

Within the first year of the agreement's implementation, Florida's total economic output is estimated to rise by $143 million and total earnings for Florida's workers are estimated to be $35 million higher than in the absence of this free trade agreement. The benefits that Peru currently enjoys under the Andean Trade Promotion and Drug Eradication Act only stand to multiply under passage of this FTA. By enhancing these opportunities for economic growth via the free trade agreement, the U.S. is strengthening legal economies that provide viable alternatives to illicit drug production. More than mere trade deals, these agreements are a major factor in defining the future of U.S. interests in the Western Hemisphere and our commitment to a strong, stable, democratic neighbor.

Therefore, although we are focused tonight, Mr. Speaker, on the agreement with Peru, we cannot lose sight of its importance within the broader regional context of the pending agreements with Colombia and Panama. For example, recent studies show that if the Colombian Free Trade Agreement is not approved and those with Peru and Panama are, Colombia's GDP will be hurt by over 2 percent. Reinforcing Colombia's economy is a prerequisite to its ability to continue to fight the drug lords and the FARC terrorists. President Uribe of Colombia has committed himself and his country to the principles of a secure, more democratic society amidst a growing tide of authoritarian regimes in the region. And there will be a significant cost to the American economy from the failure to approve the Colombian Free Trade Agreement. Over 600,000 jobs in the United States are estimated to depend on exports to Colombia, jobs that will be put at risk if that trade agreement is not approved.

Each of the trade agreements is an important element in our twin goals of ensuring our continued economic growth and reinforcing our allies in the region.

I strongly support passage of this bipartisan agreement, and I urge my colleagues to do as well.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today to oppose the Peru Free Trade Agreement.

This Peru Free Trade Agreement does not guarantee American jobs will stay right here in the United States. That is the bottom line: jobs that need to stay right here in the United States.

American families have lost jobs because past trade agreements did not lead to the creation of jobs right here at home. American families are earning less now than they did before. Three million jobs have been lost, and we have an $800 billion trade deficit.

We need to create jobs here. We need to help hardworking families who are struggling. Many of these American families that are struggling today to make it, we need to help them. American workers deserve it. Americans at home deserve to benefit from the global economy. We need to protect jobs, and I state we need to protect jobs from further offshoring caused by unfair trade agreements, and we have seen what has happened.

Now is not the time to rush ahead with more of the same damaging NAFTA-CAFTA style trade policies that have proven to hurt the American workers, and we have seen how it has hurt the American workers and the livelihoods of many, that will benefit all and not just the wealthiest few.

Vote for American workers and not for the Peru Free Trade Agreement.

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

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas who serves on the Ways and Means Committee (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today we take an important step forward in developing a comprehensive 21st century trade policy, recognizing that the benefits of trade cannot be measured solely in the volume of commerce that crosses international borders. A modern trade policy considers the impact of trade on workers and the environment, and this pact does that. Yet we have not fully achieved the goal of effective safeguards, and I believe that we are taking a step in the right direction; we're just not quite to the final destination. I believe it is better to approve this agreement as a step of genuine progress than to reject it.

This agreement includes unprecedented action to prevent illegal logging that is decimating rainforests in South America. For the first time in this agreement, environmental infractions can be enforced with something that is

more than a mere parking ticket. That's what was done in prior agreements where governments wrote fines to themselves no matter how great the environmental degradation. And today, finally, we have recognition in this trade agreement of the importance of multilateral environmental agreements that have been totally disregarded in previous trade pacts.

So this is real progress. But I am pleased that our chairman and the Trade Subcommittee chairman have recognized that there is more work that we can do and there are plans to conduct hearings, the first ever hearings in the Ways and Means Committee, on the environmental effects of trade as well as on the investor-state provisions.

While our legislative intent is unequivocal regarding the agreement's preamble that ''no foreign investors have greater rights than do American citizens,'' the potential harm to our health, our worker safety, and our environmental laws from abuse of investor-state provisions demand the removal of outmoded and flawed language that keeps cropping up in these agreements and should not appear in future agreements.

Acknowledging that we are making real progress with this agreement is really a recognition of just how far behind we have been. After years of total indifference to the concerns of workers and the environment, this agreement addresses those concerns, and almost any change represents progress. Today we move forward, and eventually together I believe that our ultimate goals will be fulfilled.

Ms. MATSUI. Mr. Speaker, I would like to yield 3 minutes to my new colleague, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, like many of my colleagues, I am for fair trade, not simply free trade. And I would associate myself with comments already made today, ''free trade for free people.'' Yet already reported recently, miners in Peru are facing having their strike declared illegal and shut down. That doesn't sound very free to me.

This Peru FTA, I will acknowledge I am happy to see the positive developments in the labor and environmental standards. For me, however, they don't go quite far enough. I believe that the Congress has a constitutional role and responsibility to be able to amend these trade agreements no matter whom they are with or how large or small they may be.

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Trade negotiations have successfully passed before without fast track authority or closed rule type of treatment, and I think that should be the case today.

The Peru agreement, as currently structured, to me is symptomatic of the larger problem: allowing an unelected trade representative, and not the duly elected representative of the American people, to decide what is best in our trade policy.

The current agreement does not provide for enforceable environmental protections, especially with regard to the lumber industry in sensitive areas of Peru's environment. The agreement, as currently written, would help force the privatization of Peru's Social Security system. The agreement would devastate Peru's already faltering rural agricultural economy.

Congress forced the trade representative to include minimal standards, in my opinion, and these things have been called a breakthrough. I think there should be credit where credit is due, and they have been an improvement. But at the end of the day, if we are to rely on the trade representative and the Bush administration to enforce the trade agreement, I don't think that's an enforceable agreement.

I tried to offer an amendment which would allow for a private right of action to allow American citizens to enforce the provisions of the trade agreement to be carried out and enforce those labor and environmental provisions to be fully fulfilled. But, however, due to the nature of this debate, no such amendment was allowed, and I think that's to the detriment of us all.

I believe that we must work to return to a time when Congress and the elected representatives of the people were allowed to amend our trade agreements. Organized, negotiated and fair trade amongst nations is one of the most important issues facing our Nation, indeed, our world. Its great importance demands that it be given the attention that such an issue deserves.

Ms. MATSUI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise in opposition to this rule and the United States-Peru Free Trade Act.

In the past few weeks, I have heard time and time again from many of my colleagues that the Peru Free Trade Agreement is a groundbreaking agreement crafted by the Ways and Means Committee and the Bush administration. I've been told that this agreement incorporates enforceable obligations that require Peru to adopt and enforce labor standards and uphold international environmental standards. That is a start. But I ask my colleagues, who will enforce the labor standards? Who will enforce the environmental standards? The Bush administration? I don't think so. This administration has a disgraceful record of enforcing trade agreements and trade laws. We cannot assume this administration will now start to enforce trade agreements. Furthermore, this agreement doesn't provide the administration any funding to enforce the free trade agreement if they wanted to. Most importantly, the Peru Free Trade Agreement fails to address food safety, toy safety and drug safety concerns facing our constituents.

As chairman of the Oversight and Investigations Subcommittee, I have conducted numerous hearings and investigations on drug and food safety. Our committee found that products are entering our country every minute without appropriate inspection. We found that importers don't know how the product was made and whether the imports are safe. Why do we Americans allow countries to bring their inferior, unsafe toys, food and drugs into our country?

The Peru agreement includes the WTO Sanitary and Phytosanitary Agreement. By incorporating the WTO's Sanitary Agreement, the U.S. will be giving up the ability to increase inspection of imports to ensure safety.

The goal of the WTO Sanitary Agreement is to allow free passage of food. This means our food can move freely between the two countries without proper inspection and without proper regulation on how the food is grown, processed, stored or shipped here to the United States.

At a time when we're questioning the ability of the Consumer Product Safety Commission and the FDA to protect the health and well-being of our children, our seniors and, indeed, all Americans, I don't think we should be allowing Peru ''free passage'' of food and drugs into the United States.

We simply cannot afford to pass another harmful trade agreement that fails to protect our families from contaminated foods and drugs and toys.

The changes the proponents of the Peru Free Trade Agreement keep touting are minimal at best, and are inadequate to assure a level playing field for American businesses, American jobs and the American economy but most importantly it does not protect the American people.

I urge my colleagues to join me in voting against the Peru Free Trade Agreement.

Protect the American consumer.

Vote no on the final passage.

Mr. DREIER. Mr. Speaker, at this time, I'm happy to yield 4 minutes to a very hardworking and thoughtful member of the Trade Subcommittee of Ways and Means, a great champion of economic and democratic liberalization in this hemisphere, my friend from Morris, Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Speaker, I rise in support of this rule as well as this trade agreement.

You know, exports are pretty important to the State that I represent. We have jobs at stake that are dependent on exports in Illinois. In fact, for manufacturing, one out of five manufacturing jobs in Illinois depend on exports. 17,000 Illinois companies depend on exports. And when it comes to agriculture, 40 percent of all the corn and soybeans and farm products produced in Illinois depend on exports. So trade makes a big difference, and trade agreements are important.

We win with trade agreements. You look at the record; since 2002, we have nine countries that we have free trade agreements with. In those countries,

our exports grew by 19 percent, which is 50 percent faster than the overall growth in exports. Morocco grew 67 percent, Bahrain grew 40 percent, Chile grew 30 percent. We have free trade agreements with 7 percent of the world's countries, representing 14 percent of the gross domestic product of the globe, but those free trade agreements represent half of the exports from America. And free trade in the last dozen or so years has created 16 million new jobs.

We've got a good trade agreement before us tonight. Peru is a strong ally and friend of the United States. We have an agreement before us that's good for Illinois and it's good for America. On day one, 80 percent of our exports of consumer and industrial products become duty free immediately. Illinois already exports $198 million in exports to Peru. And it's predicted that exports from key industries will rise as much as 57 percent as a result of this agreement. That's not just the big companies. Small and medium-size enterprises also benefit from tariff elimination. My biggest manufacturer is Caterpillar. They make the yellow construction equipment; 8,000 workers in my district dependent on Caterpillar for their jobs. Today, they face a 12 percent tariff on the equipment that they want to export to Peru. On a million dollar mining truck, that's $120,000 tariff tax. It goes away on day one.

And those union workers at Caterpillar, and I would note, 8,000 workers, half of the production in Joliet, the biggest city in my district, is exported today. So they depend on trade.

So, the Peru agreement creates jobs in Illinois. Illinois manufacturers are expecting to see a 51 percent increase in exports. And I would note that Peruvian products coming into Illinois today face no tariffs, but Illinois products going to Peru do.

And the Peru Trade Agreement is also good for Illinois farmers. Soybeans become duty free immediately; many new markets for Illinois farmers. And before this agreement, Illinois pork and corn were at a competitive disadvantage with our competition in South America, Chile and Argentina, who don't face the high tariffs we do, and so they undercut us on prices, hurting our farmers. This agreement helps Illinois pork, corn, soybean, and other agricultural producers. In fact, farm organizations will tell you, those representing producers will tell you that the Peru and Colombian agreements are the best ever negotiated to break down barriers for American farm products. It is estimated that agriculture alone will see a $700 million increase in exports as a result of the Peru Free Trade Agreement.

This trade agreement also has broader implications. As you know, there are some negative forces threatening democracy in Latin America today, and Peru is a shining example of a working democracy with strong leadership. And President Toledo and President Garcia, his successor, are making a difference. Poverty is being reduced; real jobs are being created.

Peru is an economic success story. You don't see Peru resorting to anti-American rhetoric and populist rhetoric. You see Peru being a responsible partner with its neighbors. This trade agreement is part of their strategy to reduce poverty.

Let's vote for this agreement.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, today we're voting on a historic trade agreement with Peru. Let me thank CHARLIE RANGEL and SANDY LEVIN for the diligence they demonstrated in negotiating with the administration.

This trade deal is about exports. Make no mistake about it, Mr. Speaker, the labor and environmental provisions in the Peru FTA are big steps towards a more progressive trade policy where trade benefits are spread more broadly in a global economy.

Regarding labor, the FTA includes a fully enforceable commitment that Peru adopt and maintain the five basic international labor standards. Peruvian President Garcia has already implemented changes to Peru's legal framework to allow compliance with international labor standards. A key provision allows the United States to challenge any violation of Peru's commitments to labor standards. Like the labor provision, the environmental provisions in the Peru FTA are also unprecedented. This legislation before us not only makes significant steps in the right direction, but it also moves aggressively in stopping illegal logging.

In addition to the significant reductions in tariff and nontariff barriers to U.S. exports, again, it's about exports, the agreement also includes important provisions relating to generic medicines, government procurement, and investment protections.

Mr. Speaker, the importance in progress associated with the Peru FTA will allow a lot of Democrats tonight for the first time to vote for an FTA. I know the decision is not easy, but it's a testament to the new and improved course that American trade policy has undertaken, which reflects the best of American values.

Mr. Speaker, the legally binding labor and environmental standards in the Peru FTA is a universe apart from CAFTA. This is not CAFTA. This is not NAFTA, which only received a handful of Democratic votes. Implementation of the FTA will give momentum to other efforts to secure forward-thinking FTAs.

This is the result of CHARLIE RANGEL and SANDY LEVIN's hard work and dedication, and I urge support of this legislation.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentlelady for yielding and rise in opposition to the rule, which should be open.

Every time we sign a free trade agreement with a developing country, we end up outsourcing more wealth and middle-class jobs. If these agreements were working, America wouldn't have an $800 billion trade deficit, with 20,000 jobs lost for every billion dollars of that deficit. What an unprecedented wipe out of jobs and productive wealth in this country. The sliding value of the dollar proves it, our staggering debt levels prove it, and the growing stock market instability proves it.

Let me give you some history. When they said we had to pass NAFTA back in the 1990s, we had a trade surplus with Mexico. Since NAFTA's unfortunate passage, every single year we have fallen into greater and greater debt with Mexico. A million of our jobs are outsourced. We didn't create a million jobs. And 2 million Mexicans were thrown off their farms and created an unending flow of illegal immigration to this country.

Then they told us, well, sign China PNTR; that will make a big difference. We were already in debt with China when PNTR was signed, and guess what? It only got worse. We have an historic trade deficit with China now, and we're getting from them contaminated dog food and toys with lead and all of the rest. And now they tell us, well, Peru is next. We've already got a trade deficit with Peru. Del Monte and Green Giant have opened up production facilities in Peru to absorb some of the 2 million Peruvian farmers that are going to be upended by this agreement, just as what happened with Mexico's campesinos under NAFTA.

Jordan, they said, was a breakthrough agreement, had environmental provisions, labor provisions; So, what's happened, even the Jordanians admit, it's not enforced.

You know, in considering another free trade agreement today, this New Direction Congress offers up more of the same, again, out of step with the American people.

The environmental and labor provisions are nonbinding; they're in the general preamble. This is like saying you support the preamble to our Constitution but not the Bill of Rights and all the case law that supports it. That's why no labor unions are supporting this in the United States or Peru. In fact, a major Peru miners' union is on strike right now, and they were told by the Government of Peru today that the strike was illegal and said if the workers don't return to work, they will be terminated in 3 days.

So I ask, why are no U.S. or Peruvian trade unions supporting the agreement?

Could it be because the agreement does not require the Parties to comply with core labor ''rights'', but rather with vague and unenforceable labor ''principles, which are then cleverly placed in the Preamble or Declaration of the agreement, not in the enforceable and binding core standards as do the International Labor Organization Convention?

Oh, let us grow up.

So, I have a better idea. Rather than pass another so called ''free trade'' agreement with another foreign country, that has weak rule of law and masses of poor people, let's negotiate a free trade agreement with ourselves! That would be a first. For Congress to pay some attention to the American people.

A free trade agreement with the U.S. might result in jobs from other places being returned here to workers who have fallen out of the middle class.

It might mean we would again be a nation that produced something rather than just traded in foreign goods.

Can you imagine—America might again make televisions, electronics, shoes, clothing, washing machines and irons, windshield wipers, electric wiring harnesses, toys, crayons, dishes, forks and spoons, well, the list is endless. Imagine if we had a trade agreement that put our workers and communities first. Now there's a novel thought.

Imagine, if the diminishing middle class believed this Congress actually represented them.

I urge my colleagues to vote ''no'' on this Peru agreement and finally begin to develop a new trade model that results in job creation in America and balanced global trade accounts. When that happens, America's middle class will again begin to grow.

I urge my colleagues to vote ''no'' on this Peru agreement, and submit the following article for the RECORD:

[From Dow Jones Newswires, Nov. 7, 2007]

UPDATE: PERU DECLARES NATIONAL MINING SECTOR STRIKE ILLEGAL

(by Robert Kozak)

LIMA.—Peru's Labor Ministry Wednesday declared a national mining sector strike to be illegal.

Peru's National Federation of Mining, Metallurgy and Steel Workers Monday started the nationwide strike, aiming to pressure the government to pass laws to give mining sector workers more benefits.

The ministry said workers had defied a government resolution ordering them back to work and in some cases had blocked highways. Workers now have three days to return to work or face being fired.

An official with the mining federation said directors are meeting with government officials to see whether advances made in formulating laws giving them more benefits would allow them to lift the strike.

The government said 6,300 workers were on strike as of Tuesday, some 5.26% of the total work force in the sector.

The strike hasn't seriously cut production at any of the major mines in Peru, and mining sector activity has returned to a more normal state, a high-level mining sector official said Wednesday.

''Today the activities are practically normal at the companies. I think that the workers have come to understand that they don't need to paralyze activities to insist on the platform that the federation has,'' the president of the private-sector National Society of Mining, Petroleum and Energy, Ysaac Cruz, said in a broadcast interview.

''The strike has had very little impact, and at some mines only a small group took part,'' Cruz added.

A spokesman for Minera Yanacochia, Latin America's largest gold mine, said that all workers there were back on the job. That mine is run by Newmont Mining Corp. (NEM), with a 51.35% stake. Compania de Minas Buenaventura SAA (BVN) holds a 43.65% share in Yanacocha.

The mining federation had held a similar strike from April 30 to May 4. The government said then that only 10% of workers in the mining sector supported that walk out, although union members said the number was higher.

The mining federation wants, among other things, to increase the number of workers on staff, to increase worker profit sharing to 10% of profits from 8%, and to eliminate a ceiling on that profit sharing, which limits the extra payments to a total of 18 monthly salaries.

Peru is the world's largest producer of silver, and among the top five in zinc and copper. It is also a major producer of gold, and produces other minerals such as tin and molybdenum.

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Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to respond to my friend from Ohio with two quick points, and, that is, we do, in fact, have tremendous opportunities for Peruvian products to come into the United States. This agreement, in fact, responds to that by opening up the Peruvian market.

The second point is that Whirlpool, which is a great company in Ohio, will see 9,000 jobs from exports to Peru with a 400 percent increase.

Ms. KAPTUR. Will the gentleman yield?

Mr. DREIER. I am happy to yield.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. KAPTUR. I would just say to the gentleman, Peru's chief export to us is gold, gold from the second largest gold mine in the world, and those Whirlpool jobs and Maytag jobs are half of what they used to be in this country because they shut them down in Galesburg, Illinois and in Newton, Iowa. Don't talk to me about washing machine jobs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should heed the gavel and get additional time when their time has expired.

Mr. DREIER. Mr. Speaker, I thank you very much for maintaining order here in the House.

At this time I am very happy to yield 3 minutes to my very good friend from Miami (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I stand today to express my strong support for the Peru Free Trade Agreement. I am also a strong supporter of free trade with free nations. It is important to note that we already have a unilateral trade deal with Peru. That deal has helped Peru fix and help solve a big part of their poverty problem. It has helped stem the violence and the insurgency that were so prevalent there in the 1980s.

In the last decade, Peru has become one of fastest growing economies in Latin America, with a GDP growth of 8 percent last year. The United States is Peru's number one trading partner. Enacting this bilateral trade preference will increase the number of American small- and medium-sized businesses that benefit from trade. More trade and more exports to this democratic neighbor means more jobs for American workers.

Not only is Peru, Mr. Speaker, a strong trade partner, it has become a strong partner fighting narco-trafficking and countering that anti-democratic sentiment that is fueled in the region by Fidel Castro and Hugo Chavez. It is in our national security interest to strengthen our ties with this strong democracy, this democratic ally.

Again, Mr. Speaker, I support free trade with free, democratic nations, and I support free trade that is beneficial to American businesses and American workers and American jobs. That is why I am pleased that we are voting today to enact this vital trade agreement with this strong ally in Latin America. I hope that this vote will lead to the swift enactment of the already negotiated trade deals with our other strong allies in Latin America, and those being Panama and Colombia.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to one of the key brokers of this agreement, the distinguished gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. As the Speaker and the majority leader made clear months ago, and Mr. RANGEL and myself, what we are talking about today is about Peru, not Colombia, not Panama, not Korea. We are talking about a basic issue, and that is in terms of liberalization, do you try to shape its course or let it happen willy-nilly?

The crucible in terms of that issue has been core labor standards and environmental standards. That was the basis of the fight over NAFTA, over CAFTA and over the trade bill of 2001. The basic fact is that in this agreement, not in the preamble, in this agreement, ILO core labor standards are there, enforceable like everything else, and so are environmental standards. So it's a question of whether you shape trade agreements or just let it happen. And we say shape them.

Again, the crucible has been initially labor standards and environmental standards. So this is the antithesis of CAFTA. This is a historic breakthrough. This is the first step towards a new trade agreement. We should not turn our back on it. We should build on it.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentlewoman for yielding.

I am asking Members who are committed to fair trade to vote against the Peru Free Trade Agreement. I can think of a million reasons to oppose this agreement. Let's start with over 3 million jobs lost because of NAFTA.

Workers in my State have lost their jobs due to trade. They don't want trade adjustment assistance. They want their jobs.

The bill's supporters claim that enhanced environmental standards in this FTA will preserve our natural resources. So where is the strong support from the Sierra Club, Greenpeace and Friends of the Earth? Supposedly the new labor provisions will improve conditions for workers in Peru and create jobs for workers here at home. So where is the support from labor? The two largest Peruvian labor unions are asking us to oppose this trade deal because it will hurt their workers.

If this is, in fact, a new direction on trade, don't you think we'd hear from the support from these groups? It is time for a trade policy that benefits workers and creates jobs, not policy that encourages companies to take their investment elsewhere. Yet we are not listening. By passing this bill, we are continuing the same disastrous results that came under NAFTA and CAFTA.

I didn't come to Washington so that I could ignore the needs of my constituents back home. I came to Washington to give a voice to those who need it. So let's start listening to the voices of the people back in our districts and take a new direction on trade, to start creating a new trade regime that will benefit all of us.

I ask Members to oppose the Peru Free Trade Agreement. Speaking about trade adjustment assistance that passed this body last week, before it left this body the President came out and said he was going to veto trade adjustment assistance. Is that working in a bipartisan manner? No, it is not.

I encourage Members to oppose the Peru Free Trade Agreement.

Mr. DREIER. Mr. Speaker, I am very happy to yield 1 minute to a very strong free trader, my friend from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I just want to pay tribute at this time to Mr. RANGEL, Mr. MCCRERY and everyone who has put this trade deal together. This is a difficult thing to do. It is always easier to see the shuttered business and to say that's because of trade rather than to look at the opportunities and jobs that are created because of free trade. Free trade lifts our standard of living. It lifts the standard of living for those in other countries that enjoy its benefits as well.

This is the best part of Congress, to see on a bipartisan level people coming together to do what is best for people everywhere. I just want to commend those who put this together. This is a good rule. This is a good bill. Let's move forward with this. Let's move forward with the other free trade agreements with Panama, Colombia and Korea.

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

Ms. MATSUI. Mr. Speaker, I yield 1 minute to the Speaker of the House.

Ms. PELOSI. I thank the gentlewoman for yielding and thank her for her excellent work as a member of the Rules Committee in managing this important rule to the House.

Mr. Speaker, I know that this is a difficult issue for Members to decide upon because it goes right to the heart of family life in America. It's about the job security, the economic security, the health security of America's families. And the issue of trade has been one that has been controversial, and frankly, I have largely been more on the other side of it than I am tonight.

I rise in support of the Peru Trade Agreement, and I want to tell my colleagues why. They will have to make up their own minds. But I want to take the opportunity to talk about it in the context of the last, say, 20 years. That is how long I have been in Congress.

For most of that time, I have fought with a Democratic President and a Republic an President, starting with President Bush 41, Father Bush, and throughout the Clinton administration on the issue of China trade. I saw it clearly as a threat to the economic security of America's working families. I could see the patterns that were developing there. But all along, those powers that be always said, no, this is the enlightened course.

At the time, when we started this debate on China, which was right after the massacre in Tiananmen Square, the trade deficit between the U.S. and China, the trade deficit we suffered, was around $5 billion a year. $5 billion a year. It sounded like all the money in the world to us at the time, $5 billion a year. How much leverage could we have to open China's markets? To stop them violating our intellectual property? To have them free the prisoners arrested in Tiananmen Square? To have them stop proliferating weapons of mass destruction? We fought so much leverage.

But Washington, D.C. was very much influenced by the Government of the People's Republic of China. And so all of the powers that be told us, if only we went down the path that they were recommending, that markets would be open to us, that political reform would come, all of these things, China would stop proliferating weapons of mass destruction to places like Iran and Pakistan, to name a few.

What happened was none of the above. But strictly on the issue of trade, say, 17, 18, years ago, a trade deficit of about $5 billion a year. Stick with us, they told us, and great things would happen in this relationship. Oh, they did. For China. The trade deficit now with China is approximately $5 billion a week. A week. It went from $5 billion a year to $5 billion a week. And all of the economic consequences that go with it, and all of the inferiority of product, threatening the food safety, the medicine safety, the toy safety in our country. That's what the sophisticated people told us that we should do was to go along the course that we have. The violation of intellectual property. That piracy is legendary. Of course, nothing has changed except we are now in about a $250 billion deficit to China.

I bring that up because many of us in this room fought that fight. We invested a lot into it. And we were always cast aside as Luddites and unsophisticated people and Stone Age and didn't understand. But we do understand that the American workers paid a price for that. The markets didn't open to our products. Even with WTO that didn't happen. And, again, the deficit speaks for itself.

So I say from that level of passion and familiarity with the issue and being in the fight for a long time, that when I saw an opportunity for us to have labor and environmental standards as a core part of our trade agreements, it marked a drastic difference from what even a Democratic President was willing to give on that score, even a Democratic President. We couldn't get that in the Clinton administration.

So I want to commend Mr. RANGEL and Mr. LEVIN, the two chairmen, for the excellent work that they did. I tell you the China story just as a background as to how difficult it was before. No matter what the evidence, no matter how clear it was, others saw it differently, and they saw it wrong.

So here we are today trying to make some distinctions, trying to make some distinctions about trade agreements that are better than others. I don't think any of them are perfect on either end. And so my reason for supporting this is, as a leader in the Democratic Party, is I certainly believe that part of the legacy of our great party is the legacy of John F. Kennedy who said that free trade was a part of who we are as a country and that international trade would be good for our economy. But we want not only free trade, we want fair trade.

□ 1945

We are going to be Uncle Sam instead of ''Uncle Sap'' in these trade relationships. It had to be fair. It had to be right for our workers.

As I say, this opportunity came along in a bipartisan way to say that unless labor and environmental standards were part of a trade agreement, it couldn't even be considered. It didn't mean it would be considered, but that was the threshold that all of these agreements had to cross. And then they would be judged on their individual merits in terms of the agreement between our two countries.

Recognizing the fear and apprehension and uncertainty that exists in many families and homes across America because of their jobs going overseas, the businesses closing, their communities having a downturn, can't sell their home, all the consequences that go with that, the chairman put forth legislation that passed the House last week, which I hope that the President

of the United States will sign. I think it is essential, essential, if we are going to accomplish anything on trade, on immigration or anything else, that people know that we share the concerns that they have and that we are doing something about it. So the trade adjustment in terms of training and opportunity and health care and all of those things was very, very important.

That was done in the context of other things to address the needs of America's working families. Hopefully we can pass SCHIP to get 10 million children to have their health insurance, pass legislation to make college more affordable, raise the minimum wage, have an Innovation Agenda that says if we are going to compete in the world, we must innovate. We can't just complain about trade, we must innovate. And that innovation begins in the classroom, and it takes us right back to our college affordability, our initiatives of K–12, early childhood education and the rest.

So I think we have to certainly be concerned about the impact of trade. It is self-evident and it is a challenge for us. But we cannot turn our backs on it. And I absolutely refuse to have the Democratic Party be viewed, and I say this to my Republican colleagues, I know you don't want to be viewed, but I have a responsibility also to my Democratic colleagues, I don't want this party to be viewed as an antitrade party.

So, let's make some distinctions. Take every trade agreement on its own merit. The Peru Free Trade Agreement rises to the level of acceptance. I am not saying it is perfect. It rises to the level of acceptance. Labor and environmental principles are in the core of the bill. Other changes we wanted to see were made by the Parliament in Peru. They passed the laws or they made the changes we said they needed to have.

So if you are ever going to support any trade agreement, I would think this would be the easiest one to do. Other trade agreements have other obstacles that have to be dealt with. I don't think we should shut the door on anything, because that gives nobody any motivation to make any change in what we would like to see as a free flow of goods to and from these countries.

It is frustrating, and I respect everything that has been said by my colleagues in this debate. I think it is all legitimate. Some, like Marcy Kaptur, have been in this fight for a long time. Working families in America have no greater champion to advocate for the best possible outcome for them.

But, again, viewing in the context of we want to have an economy that is fairer, that we have a progressive economic agenda where many more people participate in the economic success of our country, that is why we raised the minimum wage and make college more affordable, et cetera, and that is why we are promoting our Innovation Agenda for energy security and reversing global warming, so we can create many more jobs, so America's farmers can fuel America's energy independence, where we will send our energy dollars to the Midwest and not to the Middle East. This is a bigger picture than the Peru Free Trade Agreement.

The Peru Free Trade Agreement is not a big deal in terms of trade agreements, but it is an important step into saying we can make distinctions about trade relationships that are grossly unfair to the American worker, greatly oppressive to the workers in their own countries and are not making people freer. And to those that are in furtherance of growing our own economy while helping to lift other economies in the world, I think in this case the Peru Free Trade Agreement goes in that direction.

So, that is why, my colleagues, I am supporting this. It may seem to be a departure to some of you from where I have been on other trade agreements. But it is a marked difference, a marked difference from where we were before, whether it was President Bush I, whether it was President Clinton, and where we are now.

Those many who have been on one side or the other of this all say it is an amazing accomplishment to have gotten that done. And for that, whatever the outcome of this vote is, for that I want to once again pay tribute to Chairman RANGEL and Chairman LEVIN, chairman of the subcommittee, for the great leadership and the work they did. I just want you to know why I was supporting this bill.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California has 2½ minutes remaining.

Mr. DREIER. Mr. Speaker, it is a great privilege for me to rise and join my California colleague, Speaker PELOSI, in support of this rule and in support of the underlying legislation.

We began this morning here with a brilliant address delivered by the new President of France, Nicolas Sarkozy. In that speech, he talked about the need for greater economic liberalization and the move towards markets. He talked about a new day in France and the fact that he is doing everything that he possibly can to make sure that they create new opportunities for economic growth and success in that country.

Well, Mr. Speaker, we all know that the United States of America, as President Sarkozy said, is the strongest, most powerful nation in the world, economically, geopolitically and militarily. And, Mr. Speaker, this agreement is about making sure that within our hemisphere, we have an opportunity, an opportunity to open up new markets for U.S. workers.

Now, I stumbled through an exchange with my friend from Ohio when I was talking about a great Ohio company, Whirlpool. What I was trying to say is that Whirlpool has projected that they will have a 400 percent increase in their level of exports from Ohio to Peru. And what does that mean? Whirlpool projects that it will create 9,000 new jobs for workers in Ohio.

Mr. Speaker, Peru, Colombia, Panama, through trade preferences that we have joined together in a bipartisan way in granting, have had access to the U.S. consumer. This agreement is not about free trade. It is about opening up new opportunities for U.S. workers, and it is about the security of this hemisphere.

Mr. Speaker, I urge my colleagues to support this rule and to support the underlying legislation.

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

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the U.S.-Peru Free Trade Agreement represents a new kind of policy, a new generation of free trade agreements. Since World War II, our international trade policy has been driven by a broad commitment to expanding economic opportunity for Americans. Producers from across the country must have access to international markets to stay competitive in an increasingly global economy.

However, we must carefully construct each agreement in a way that is fair, sound and beneficial to all countries involved. The administration's initial agreement with Peru was none of the above. I am proud that our leadership took an unprecedented and hands-on approach to ensure that this particular agreement incorporated the values and principles of the American people.

Mr. Speaker, this agreement is different than previous agreements. The labor and environmental protections in this agreement are stronger than any other previous free trade agreement. As our Nation's trade policy moves forward, I urge our colleagues to consider each potential free trade agreement on its merits. We cannot dwell on past flawed agreements. We must look toward the future with full confidence in our companies and in our workers and say that American products can compete with anyone, anywhere, at any time.

Mr. Speaker, we must lead by example, and I commend Mr. RANGEL and Mr. LEVIN for the diligent work on this agreement.

Mr. Speaker, I urge a ''yes'' vote on the previous question and on the resolution.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

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

RECORDED VOTE

Ms. KAPTUR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 349, noes 55, not voting 28, as follows:

[Roll No. 1059]

AYES—349

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boswell
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
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
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (TX)
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
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)
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pascrell
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
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
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wynn
Yarmuth

NOES—55

Altmire
Baldwin
Boyda (KS)
Brown-Waite, Ginny
Burgess
Conyers
Costello
Courtney
Culberson
Davis (IL)
DeFazio
DeLauro
Doyle
Duncan
Ellison
Filner
Goode
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hayes
Hoekstra
Holden
Hunter
Jones (NC)
Kaptur
Kennedy
Kildee
Kucinich
Langevin
Lipinski
McCotter
McIntyre
Michaud
Mollohan
Pallone
Payne
Perlmutter
Peterson (MN)
Rahall
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Sherman
Shuler
Stupak
Sutton
Taylor
Tiberi
Walz (MN)
Waters
Whitfield
Wu

NOT VOTING—28

Bishop (UT)
Boehner
Boren
Boucher
Braley (IA)
Buyer
Carson
Cubin
Davis, Tom
Diaz-Balart, L.
Giffords
Hinojosa
Jindal
LaHood
Lewis (CA)
Miller (FL)
Miller, George
Murphy, Tim
Myrick
Oberstar
Paul
Radanovich
Stark
Stearns
Udall (CO)
Watson
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2023

Mr. MOLLOHAN, Mr. GRIJALVA, Ms. WATERS and Mr. PAYNE changed their vote from ''aye'' to ''no.''

Messrs. WAMP, PETERSON of Pennsylvania, HALL of Texas, and GOHMERT changed their vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

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 without amendment a bill of the House of the following title:

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''.

The message also announced that the Senate, having had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) ''An Act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.'', it was

Resolved, That the Senate defeated the conference report on a point of order raised under Rule XXVIII, paragraph 3; be it further

Resolved, That the Senate recedes from its amendment, to the aforesaid bill, with an amendment.

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I know this will come as an extraordinary disappointment to all of the Members in the House, but in consultation with my friend the minority whip, and in consultation with Mr. LEVIN, the chairman of the subcommittee, and Mr. RANGEL, and I have not talked to Mr. MCCRERY and I apologize for that, but I think that the way we will proceed, we will proceed to debate tonight, I'm trying to elongate this announcement because so many times people are so angry at me for scheduling. I think it's one of the few opportunities I get to make people a little bit happy. But we will save 20 minutes of debate. We will do all but 20 minutes of the allocated debate. There are four sides to this. Five, five, five and five, we will save for tomorrow, and we will commence that at the conclusion of the 1-minutes. There are 10 a side. So that will take about 20, 25 minutes, and we will commence the closing of debate, and then we will have the vote on this bill immediately following that debate.

Mr. RANGEL. Would the gentleman yield on this?

Mr. HOYER. I yield to the gentleman.

Mr. RANGEL. You know, the committee's put a lot of time on this bill, but after considerable thought, I just thought it would be fair to tell the majority leader that I agree with you 100 percent.

Mr. HOYER. I knew this was going to be a good night.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 801, I call up the bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3688

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 ''United States-Peru Trade Promotion Agreement Implementation Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 206. Reliquidation of entries.
Sec. 207. Recordkeeping requirements.
Sec. 208. Enforcement relating to trade in textile or apparel goods.
Sec. 209. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods of Peru.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

TITLE V—TRADE IN TIMBER PRODUCTS OF PERU

Sec. 501. Enforcement relating to trade in timber products of Peru.
Sec. 502. Report to Congress.

TITLE VI—OFFSETS

Sec. 601. Customs user fees.
Sec. 602. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Peru entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Peru for their mutual benefit;

(3) to establish free trade between the United States and Peru through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States-Peru Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(3) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(4) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3–C of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Peru Trade Promotion Agreement entered into on April 12, 2006, with the Government of Peru, as amended on June 24 and June 25, 2007, respectively, by the United States and Peru, and submitted to Congress on September 27, 2007; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on September 27, 2007.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Peru has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Peru providing for the entry into force, on or after January 1, 2008, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2007 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.3.13, and Annex 2.3 of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Peru as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Peru regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Peru provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the Schedule of the United States to Annex 2.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 2.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 2.3 of the Agreement.

(3) SAFEGUARD GOOD.—The term ''safeguard good'' means a good—

(A) that is included in the Schedule of the United States to Annex 2.18 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds 130 percent of the volume that is provided for that safeguard good in the corresponding year in the applicable table contained in Appendix I of the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement. For purposes of this subsection, year 1 in that table corresponds to the calendar year in which the Agreement enters into force.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in years 1 through 12, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(B) in years 13 through 16, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Peru in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Peru or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Peru, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Peru, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 3–A or Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 3–A or Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Peru, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good

referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VOM.—The term ''VOM'' means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Peru.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Peru or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Peru or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Peru or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Peru or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Peru, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Peru, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Peru, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Peru, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Peru, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF ANOTHER COUNTRY.—Originating materials from the territory of Peru or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Peru, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not

undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A)(i) the value of all nonoriginating materials that—

(I) are used in the production of the good, and

(II) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(ii) the good meets all other applicable requirements of this section; and

(iii) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good; or

(B) the good meets the requirements set forth in paragraph 2 of Annex 4.6 of the Agreement.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or any of headings 1511 through 1515.

(F) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(G) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(H) Except as provided in subparagraphs (A) through (G) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(I) A nonoriginating material that is a textile or apparel good.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 3–A of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on the date of the enactment of this Act).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Peru, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Peru or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 3–A or Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Peru or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Peru or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Peru or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 3–A and Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of a good, other than a textile or apparel good, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles'' means the recognized consensus or substantial authoritative support in the territory of Peru or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. The principles may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF PERU, THE UNITED STATES, OR BOTH.—The term ''good wholly obtained or produced entirely in the territory of Peru, the United States, or both'' means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Peru, the United States, or both.

(B) Live animals born and raised in the territory of Peru, the United States, or both.

(C) Goods obtained in the territory of Peru, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Peru, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Peru, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Peru or the United States by—

(i) a vessel that is registered or recorded with Peru and flying the flag of Peru; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Peru and flies the flag of Peru; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Peru or a person of Peru from the seabed or subsoil outside the territorial waters of Peru, if Peru has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Peru or the United States or a person of Peru or the United States and not processed in the territory of a country other than Peru or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Peru, the United States, or both; or

(ii) used goods collected in the territory of Peru, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Peru, the United States, or both, from used goods, and used in the territory of Peru, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Peru, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J), or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term ''identical goods'' means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term ''model line of motor vehicles'' means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms ''nonoriginating good'' and ''nonoriginating material'' mean a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of Peru or the United States.

(17) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good assembled in the territory of Peru or the United States, or both, that is classified under chapter 84, 85, 87, or 90 or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term ''total cost''—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Peru, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term ''product costs'' means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term ''period costs'' means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term ''other costs'' means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term ''used'' means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3–A and Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3–B of the Agreement in an unrestricted quantity, as provided in article 3.3.5(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 3–A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 3–A of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN PERU AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3–B of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) The term ''interested entity'' means the Government of Peru, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—(i) An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Peru and the United States and to add that fabric, yarn, or fiber to the list in Annex 3–B of the Agreement in a restricted or unrestricted quantity.

(ii) After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Peru or the United States; or

(II) any interested entity objects to the request.

(iii) The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn, or fiber that is the subject of the request is added to the list in Annex 3–B of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Peru and the United States; or

(II) no interested entity has objected to the request.

(iv) The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3–B of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Peru and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3–B of the Agreement beginning—

(i) 45 days after the date on which the request was submitted; or

(ii) 60 days after the date on which the request was submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—(i) Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3–B of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) An interested entity may submit a request under clause (i) at any time beginning 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Peru or the United States.

(iv) A proclamation under clause (iii) shall take effect no earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (17) the following:

''(18) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Peru Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

''(10) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States-Peru Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.''; and

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

''(i) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a PTPA certification of origin (as defined in section 508(h)(1)(B) of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States-Peru Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a PTPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a PTPA certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(i) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States-Peru Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Peru Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.''.

SEC. 206. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or''; and

(2) by striking ''for which'' and inserting '', or section 203 of the United States-Peru Trade Promotion Agreement Implementation Act for which''.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection:

''(h) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-PERU TRADE PROMOTION AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) PTPA CERTIFICATION OF ORIGIN.—The term 'PTPA certification of origin' means the certification established under article 4.15 of the United States-Peru Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO PERU.—Any person who completes and issues a PTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—The person who issues a PTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.''; and

(3) in subsection (i), as so redesignated—

(A) by striking ''(f) or (g)'' and inserting ''(f), (g), or (h)''; and

(B) by striking ''either such subsection'' and inserting ''any such subsection''.

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Peru to conduct a verification pursuant to article 3.2 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Peru is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods; or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Peru,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.2.6 of the Agreement, the Secretary may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) PERUVIAN ARTICLE.—The term ''Peruvian article'' means an article that qualifies as an originating good under section 203(b).

(2) PERUVIAN TEXTILE OR APPAREL ARTICLE.—The term ''Peruvian textile or apparel article'' means a textile or apparel good (as defined in section 3(4)) that is a Peruvian article.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Peruvian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Peruvian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Peruvian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Peruvian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.2 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 2 years, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 2.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 2.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Peru Trade Promotion Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of

the elimination of a duty under the Agreement, a Peruvian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and losses, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology in the United States as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 322(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 1 year, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS OF PERU.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of Peru that qualify as originating goods under section 203(b) are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF PERU.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action goods of Peru with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(vii) a party to the United States-Peru Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.''.

TITLE V—TRADE IN TIMBER PRODUCTS OF PERU

SEC. 501. ENFORCEMENT RELATING TO TRADE IN TIMBER PRODUCTS OF PERU.

(a) ESTABLISHMENT OF INTERAGENCY COMMITTEE.—Not later than 90 days after the date on which the Agreement enters into force, the President shall establish an Interagency Committee (in this section referred to as the ''Committee''). The Committee shall be responsible for overseeing the implementation of Annex 18.3.4 of the Agreement, including by undertaking such actions and making such determinations provided for in this section that are not otherwise authorized under law.

(b) AUDIT.—The Committee may request that the Government of Peru conduct an audit, pursuant to paragraph 6(b) of Annex 18.3.4 of the Agreement, to determine whether a particular producer or exporter in Peru is complying with all applicable laws, regulations, and other measures of Peru governing the harvest of, and trade in, timber products.

(c) VERIFICATION.—

(1) IN GENERAL.—The Committee may request the Government of Peru to conduct a verification, pursuant to paragraph 7 of Annex 18.3.4 of the Agreement, for the purpose of determining whether, with respect to a particular shipment of timber products from Peru to the United States, the producer or exporter of the products has complied with applicable laws, regulations, and other measures of Peru governing the harvest of, and trade in, the products.

(2) ACTIONS OF COMMITTEE.—If the Committee requests a verification under paragraph (1), the Committee shall—

(A) to the extent authorized under law, provide the Government of Peru with trade and transit documents and other information to assist Peru in conducting the verification; and

(B) direct U.S. Customs and Border Protection to take any appropriate action described in paragraph (4).

(3) REQUEST TO PARTICIPATE IN VERIFICATION VISIT.—The Committee may request the Government of Peru to permit officials of any agency represented on the Committee to participate in any visit conducted by Peru of the premises of a person that is the subject of the verification requested under paragraph (1) (in this section referred to as a ''verification visit''). Such request shall be submitted in writing not later than 10 days before any scheduled verification visit and shall identify the names and titles of the officials intending to participate.

(4) APPROPRIATE ACTION PENDING THE RESULTS OF VERIFICATION.—While the results of a verification requested under paragraph (1) are pending, the Committee may direct U.S. Customs and Border Protection to—

(A) detain the shipment that is the subject of the verification; or

(B) if the Committee has requested under paragraph (3) to have an official of any agency represented on the Committee participate in the verification visit and the Government of Peru has denied the request, deny entry to the shipment that is the subject of the verification.

(5) DETERMINATION UPON RECEIPT OF REPORT.—

(A) IN GENERAL.—Within a reasonable time after the Government of Peru provides a report to the Committee describing the results of a verification requested under paragraph (1), the Committee shall determine whether any action is appropriate.

(B) DETERMINATION OF APPROPRIATE ACTION.—In determining the appropriate action to take and the duration of the action, the Committee shall consider any relevant factors, including—

(i) the verification report issued by the Government of Peru;

(ii) any information that officials of the United States have obtained regarding the shipment or person that is the subject of the verification; and

(iii) any information that officials of the United States have obtained during a verification visit.

(6) NOTIFICATION.—Before directing that action be taken under paragraph (7), the Committee shall notify the Government of Peru in writing of the action that will be taken and the duration of the action.

(7) APPROPRIATE ACTION.—If the Committee makes an affirmative determination under paragraph (5), it may take any action with respect to the shipment that was the subject of the verification, or the products of the relevant producer or exporter, that the Committee considers appropriate, including directing U.S. Customs and Border Protection to—

(A) deny entry to the shipment;

(B) if a determination has been made that a producer or exporter has knowingly provided false information to officials of Peru or the United States regarding a shipment, deny entry to products of that producer or exporter derived from any tree species listed in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249); or

(C) take any other action the Committee determines to be appropriate.

(8) TERMINATION OF APPROPRIATE ACTION.—Any action under paragraph (7)(B) shall terminate not later than the later of—

(A) the end of the period specified in the written notification pursuant to paragraph (6); or

(B) 15 days after the date on which the Government of Peru submits to the United States the results of an audit under paragraph 6 of Annex 18.3.4 of the Agreement that concludes that the person has complied with all applicable laws, regulations, and other measures of Peru governing the harvest of, and trade in, timber products.

(9) FAILURE TO PROVIDE VERIFICATION REPORT.—If the Committee determines that the Government of Peru has failed to provide a verification report, as required by paragraph 12 of Annex 18.3.4 of the Agreement, the Committee may take such action with respect to the relevant exporter's timber products as the Committee considers appropriate, including any action described in paragraph (7).

(d) CONFIDENTIALITY OF INFORMATION.—The Committee and any agency represented on the Committee shall not disclose to the public, except with the specific permission of the Government of Peru, any documents or information received in the course of an audit under subsection (b) or in the course of a verification under subsection (c).

(e) PUBLICLY AVAILABLE INFORMATION.—The Committee shall make any information exchanged with Peru under paragraph 17 of Annex 18.3.4 of the Agreement publicly available in a timely manner, in accordance with paragraph 18 of Annex 18.3.4 of the Agreement.

(f) COORDINATION WITH OTHER LAWS.—

(1) ENDANGERED SPECIES ACT; LACEY ACT.—In implementing this section, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, and the Secretary of the Treasury shall provide for appropriate coordination with the administration of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

(2) OTHER LAWS.—Nothing in this section supersedes or limits in any manner the functions or authority of the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, or the Secretary of the Treasury under any other law, including laws relating to prohibited or restricted importations or possession of animals, plants, or other articles.

(3) EFFECT OF DETERMINATION.—No determination under this section shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any law administered by the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, or the Secretary of the Treasury.

(g) FURTHER IMPLEMENTATION.—The Secretary of Agriculture, the Secretary of the Interior, the Secretary of Homeland Security, and the Secretary of the Treasury, in consultation with the Committee, shall prescribe such regulations as are necessary to carry out this section.

(h) RESOURCES FOR IMPLEMENTATION.—Not later than 90 days after the date on which the Agreement enters into force, and as appropriate thereafter, the President shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the resources, including staffing, needed to implement Annex 18.3.4 of the Agreement.

SEC. 502. REPORT TO CONGRESS.

(a) IN GENERAL.—The United States Trade Representative, in consultation with the appropriate agencies, including U.S. Customs and Border Protection, the United States Fish and Wildlife Service, the Animal and Plant Health Inspection Service, the Forest Service, and the Department of State, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on—

(1) steps the United States and Peru have taken to carry out Annex 18.3.4 of the Agreement; and

(2) activities related to forest sector governance carried out under the Environmental Cooperation Agreement entered into between the United States and Peru on July 24, 2006.

(b) TIMING OF REPORT.—The United States Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives under subsection (a)—

(1) not later than 1 year after the date on which the Agreement enters into force;

(2) not later than 2 years after the date on which the Agreement enters into force; and

(3) periodically thereafter.

TITLE VI—OFFSETS

SEC. 601. CUSTOMS USER FEES.

(a) Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''October 21, 2014'' and inserting ''December 13, 2014''.

(b) Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking ''October 7, 2014'' and inserting ''December 13, 2014''.

SEC. 602. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 (26 U.S.C. 6655 note) is amended by striking ''115 percent'' and inserting ''115.75 percent''.

The SPEAKER pro tempore. Pursuant to House Resolution 801, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY), or their designees, each will control 45 minutes in favor of the bill; and the gentleman from Maine (Mr. MICHAUD) and the gentleman from Ohio (Mr. BOEHNER), or their designees, each will control 45 minutes in opposition to the bill.

The Chair understands that the gentleman from Louisiana (Mr. MCCRERY) also is the designee of Mr. BOEHNER. As such, Mr. MCCRERY controls a total of 90 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Speaker, I rise in support of this historic, indeed, piece of legislation, and soon I would ask unanimous consent that you allow me to yield the balance of this time to Mr. LEVIN, who may not be able to be here the remainder of the night, and then I will come back to manage the rest of the time.

But I really want to thank Speaker PELOSI for having the broad understanding that this great Nation of ours cannot afford the luxury of having a Republican or Democratic trade policy.

What makes this Nation great is that people perceive us as being a country that will speak when we have any trade agreement, and that when the Democrats took the majority, we certainly did not want a Democratic trade bill. It was so embarrassing to have foreign trade ministers talk to Republicans and talk with the Democrats and saw we're a divided Nation.

She authorized those of us to work with the administration to see whether or not we can bring something that sounded as though it was the United States Congress speaking and being directed to allow them to be the delegations and negotiators.

I can tell you that JIM MCCRERY played such an important role, along with WALLY HERGER, and of course, I can't say enough about SANDY LEVIN being able to work with me and the staffs for the first time in over a decade. And on this issue, as so many other issues, you could not find a difference as we found the Republican staff and the Democratic staff in working not just during the day but working at night, working with the Peruvians and even going over there with some of us, with Mr. LEVIN and Ms. SCHWARTZ, went to talk with President Garcia and to see the respect and admiration they had with this great country, that they wanted to show their friendship and to have exchanges and to have us a stronger country.

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I know that, politically speaking, there are some people that find it very difficult to talk about supporting trade. They made commitments to a lot of people. Therefore, they have to do what they think is best.

It's absolutely ridiculous to believe that we can create jobs without trade. If we just are able to consume everything we manufacture, all the food that we grow, and not be able to have markets abroad, then this is not the great Nation that she is or hopes ever to be. So what we are talking about now is what's good for the country. We have to admit that we have done a terrible job in not recognizing the needs of people who have lost their jobs, lost their families, lost their industry, lost their community, lost their pride.

Mr. MCCRERY and I, we think that we have been able to convince the administration, as we go before the Business

Roundtable and say our multinationals can't do just what's good for their shareholders, they have to do what's good for America. And if globalization and technology have hurt some of these communities and destroyed their will to want to be able to say that in this great country they have opportunities for themselves or their children, well, treat us just as good as you treat the developing countries. Bring your ideas, bring the technology and the Ways and Means Committee will provide the incentives to make certain that we can get back, and these communities may not be doing the same thing, but God knows they would be able to do something.

Here we have a bill that you don't have to be a trade specialist to know that if people are manufacturing and growing in the United States, and we are dealing with a developing country, and they are not only our friends, but they want to work with us, then we have an opportunity to tear down the trade barriers and to be able to get into their markets as they are able to get into our markets so easily.

And so there are those people that cannot vote for it, but I think that because our great Speaker and the Republican leadership allowed Mr. MCCRERY and I and SANDY and WALLY HERGER to negotiate something, it doesn't mean that every trade agreement is going to be one that everyone can agree to. What it does mean is that in every trade agreement, America's trade policy is going to be a part of it. How do you treat human beings? How do you treat child labor? How do you treat American investors? And how do you treat the environment? That's a great step forward.

I would hope, as the Speaker said, that as people are listening to who is calling in, remember the world is calling in. The world is watching how we treat friends, and people all over this country would not want us to believe that we are anti-fair trade and trade that creates jobs.

Some people thought I was being personal when I said don't say this trade agreement loses jobs, this is the only place that people are doing anything, growing anything, can work with people who want to do business with us. It's a great, historic opportunity.

Mr. Speaker, I do hope that people would want to be a part of this changing thing, where once again people would know that when you do business with the people of the United States, you're not doing business with Democrats because we control the House and Senate, and you're not doing business with Republicans, you're doing business with Americans who want to do the best for them, the best for this great country, to improve our quality of life. We can't do it by party, but we can do it by principle.

I thank you for this opportunity and I would ask consent to yield the balance of this time to Mr. LEVIN to be able to control until such time as he has to leave.

The SPEAKER pro tempore. The gentleman reserves the balance of his time.

Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. MCCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I first want to endorse the remarks of my colleague, the chairman of the Ways and Means Committee, Mr. RANGEL.

Indeed, had it not been for his efforts and Chairman LEVIN's efforts, we would not be here on the floor about to pass the Peru Free Trade Agreement. There is no reason why this country should not have a bipartisan trade policy that is endorsed by both the executive branch and the legislative branch of government.

For too long, for whatever reasons, we have avoided trying to create that agreement that a majority of both major political parties in this country could stand behind and promote breaking down barriers to trade around the world.

I am hopeful that through the chairman's work and through Chairman LEVIN's work with the administration, we have at least gotten to first base on creating a policy that will allow us to move forward as one Nation trying to create a freer flow of goods and services around the world for the betterment, not just of this country, but for all the world.

I want to echo the words of Chairman RANGEL and say that I couldn't agree more with his words or his sentiment.

I also want to express my appreciation for the majority staff and the minority staff of the Trade Subcommittee of the Ways and Means Committee for lending their considerable talents to this effort. I think it's safe to say that without their efforts, without their cooperation, we wouldn't be here today. We wouldn't have the bipartisan framework that we announced back in May to allow us to get this far. I want to thank the staff for their hard work.

Needless to say, I rise in very strong support of this free trade agreement. I am glad we are here. I wish we had been here sooner, but we are here today, and it's a great day for that reason.

On May 10, precisely, Congress and the administration established that framework for advancing the four free trade agreements the United States has negotiated, Peru, Colombia, Panama and Korea. The Peru Free Trade Agreement is the first of those four trade agreements that Congress is considering.

As the Speaker said earlier, at least we have that framework in place that can allow us to look at free trade agreements that have been negotiated. Then each one, yes, of course, must be considered on its own merits. At least we have that framework in place, and that will allow us to, I am very hopeful, consider later in this Congress the Colombia FTA, the Panama FTA and the Korea FTA.

Trade is often blamed for the loss of jobs in this country, and certainly we know that there are losses of some jobs directly related to trade. But the truth is that trade creates a great many jobs in this country, and those jobs generally are high-paying jobs.

Trade also significantly increases the standard of living for Americans, as well as the peoples of other nations around the world by providing us with a wide variety of affordable goods, goods that are not only affordable but available.

Anybody who appreciates fresh produce in the winter or coffee with their breakfast should be a fan of free trade. Too often trade is portrayed as only having negative consequences for the United States' economy. But the facts are clear that today, more than ever, trade is the engine of economic growth in the United States.

As a senior economist at Goldman Sachs was saying last week, ''Trade is the only thing holding up manufacturing.'' This is why passing this legislation, and then, I hope, moving expeditiously to pass the free trade agreements with Colombia, Panama and Korea is so critical to the economic well-being of the United States.

By the same token, we should also make sure that any workers adversely affected by trade have access to training and support. I am hopeful we will move in this Congress a bipartisan trade adjustment assistance reauthorization.

In light of the significance of trade to the United States' economy, Congress should promote our continued economic growth by passing the United States-Peru Trade Promotion Agreement. Today, virtually all imports from Peru come into the United States duty-free, while United States exports of goods and services to Peru face significant barriers, tariffs in Peru. It's a one-way street in favor of Peru today because of the trade preferences that are in effect.

This legislation before the House today will create a two-way street so that our goods and services can go to Peru with the same preferences, no tariffs, or very low tariffs that Peru goods and services come today to the United States. Not passing this agreement would perpetuate the competitive disadvantage faced by United States exporters into Peru.

Therefore, the impact of passing this bill should be crystal clear. This trade agreement will result in increased United States exports and an improvement in the United States trade balance with Peru.

I had the opportunity to travel to Peru recently with several of my colleagues and Secretary of Commerce Gutierrez earlier this fall. I saw firsthand how important this agreement is to Peru and to the entire region and how this agreement will strengthen an important ally of ours in that region.

Peru is resisting the efforts of Venezuela's authoritarian President Hugo Chavez to wage a war of words and ideas in Latin America against the United States. In fact, Chavez blatantly intervened in Peru's democratic elections, espousing sentiments against the United States and the principles for which America stands, democracy, free markets, liberty. On June 4, 2006, Peruvian voters decisively rejected Chavez's candidate in Peru and instead chose Alan Garcia to be their next president. The election was a sign of support from Peru that they reject Chavez's fiery populism and instead continue supporting Peru's current policies of economic engagement with the United States and market reform.

Congress should acknowledge the support of the people of Peru and pass this legislation by a strong margin. We should then turn to the remaining FTAs that have been negotiated.

I hope that the bipartisan spirit that resulted in the May 10 framework and the imminent passage of this legislation can help us make clear to all Americans that trade is a benefit for this country and that we must continue to pursue trade agreements that open markets for United States exports or risk letting our companies and workers being left behind in the global economy.

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

Mr. MICHAUD. Mr. Speaker, I would like to yield 1 minute to a gentleman who has been a strong advocate for fair trade deals, Mr. WU of Oregon.

Mr. WU. Mr. Speaker, I want to express my great respect to Chairman LEVIN and Chairman RANGEL and deep appreciation for the improvements that they have achieved in this bill compared to past trade bills. I came to Congress, ran for a Federal office, substantially to promote democracy, human rights and the rule of law, both at home and abroad. Trade agreements are one of the few, one of the key levers to promote democracy, human rights and the rule of law abroad.

So I regret that I cannot vote for this bill tonight because it does not put human rights on an equal footing with environmental and labor protections. But I do hope to work with the chairman and people on both sides of the aisle of goodwill to reach a day, some day, when human rights will be included in trade deliberations on an equal footing with environmental and labor protections.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois, a member of the Ways and Means Committee, Mr. WELLER.

Mr. WELLER of Illinois. Let me begin by congratulating the chairman of this committee, Mr. RANGEL, and the chairman of the Trade Subcommittee, Mr. LEVIN, as well as the two ranking Republicans, Mr. MCCRERY and Mr. HERGER, for their leadership in bringing this important trade agreement to the floor. I also want to congratulate Ambassador Susan Schwab, our trade negotiator, as well as her predecessor, Rob Portman, in their good work and frankly also congratulate the leadership of Peru, particularly President Garcia and former President Toledo and their administrations.

Mr. Speaker, trade is important to my State of Illinois. One out of five jobs in Illinois is dependent on exports, and 40 percent of the agricultural products in the State of Illinois are dependent on exports.

□ 2045

In fact, 17,000 Illinois companies export. And trade agreements are working for Illinois. My State benefits, my district benefits. In fact, if you look at the nations that we have free trade agreements with, they represent almost half of all our exports today, even though they represent only 7 percent of all the nations. And free trade, in the last 10, 12 years has created 16 million jobs nationwide, thousands in my own State. And this trade agreement here is good for Illinois manufacturers; it's good for Illinois farmers.

You know, my friend Mr. MCCRERY pointed out that the current status quo, which was renewed recently by this Congress, gives Peru a pretty good deal. Their manufactured goods, their farm products come into the United States duty free. But our products made in Illinois, manufactured goods and farm products, face tariffs going into Peru.

Well, this trade agreement makes trade with Peru a two-way street. On day one of this trade agreement going into effect, 80 percent of the tariffs on manufactured products from Illinois are eliminated.

Now, I have 8,000 workers, 8,000 union workers who make yellow construction equipment, well-recognized household name, in my district. And half of the product they produce is exported. This agreement's good for them.

But under the current status quo, those mining trucks, those off-road construction equipment that are produced in Joliet and Decatur, they face a 12 percent tariff. And that equipment's a $1 million piece of equipment. That's $120,000 tariff tax imposed on that yellow piece of equipment when it's exported to Peru today.

And under this trade agreement, that tariff is eliminated on day one, allowing U.S.-made, Illinois-made construction equipment to be more competitive with their Japanese and Asian competition. It means jobs in Illinois.

And I would note, if you care about agriculture in Illinois, farmers will tell you that the Peru and Colombia trade agreements are the best ever for agriculture. This agreement deserves bipartisan support.

Mr. LEVIN. I now yield 2 minutes to our caucus Chair, and a member of the Ways and Means Committee, the very distinguished Member from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I first want to thank both the chairman of the Ways and Means Committee, also Congressman LEVIN, as well as the minority leader, Congressman MCCRERY, for their leadership on this issue.

This bill picks up exactly where the last trade agreement with Singapore and Jordan was, where we were putting a human face on globalization; that is, having labor environmental standards inside those trade agreements. The last 6 years we walked away from that bipartisan agreement. This restores that bipartisan agreement and again returns America to where, when it comes to opening markets around the world to American products, we stand together for that opportunity.

But make no mistake about it. While that is one piece of an overall economic strategy, this is a good piece, it's an important piece, opening markets to American-made products.

But, in addition to this, we must have an economic strategy that deals with people's retirement insecurities, their health care insecurities as it relates to their costs and opportunities, as well as educational opportunities for their children. If you don't have that as part of this strategy, we only have one piece of that economic strategy. This is an important piece, and it continues, I think, the responsibility we have to open markets across the world to American-made products.

But we must finish our effort on dealing with globalization as it relates to the opportunity, not just the opportunities abroad, but the challenges here at home to make sure people and more and more Americans have an opportunity to be winners in this globalization rather than see globalization as a threat to their own economic security.

So, although I do support this, and I support this aggressively because this is a good deal, it returns us to the bipartisanship, and most importantly, in my view, this begins to once again put a human face on globalization and allows the American employees and workers who are struggling every day to see this as globalization, not as a threat to their economic security, but as an opportunity. If we do that, globalization and more people will be winners.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota, a valued member of the Ways and Means Committee (Mr. RAMSTAD).

Mr. RAMSTAD. I thank the ranking member for yielding. And I, too, want to applaud Chairman RANGEL, Chairman LEVIN, and Ranking Member MCCRERY for the new spirit of bipartisanship and collaboration on the committee, which has resulted in this agreement getting here this evening, remarkable accomplishment. The Ways and Means Committee voted this out on a unanimous vote, unanimous bipartisan vote.

And, Mr. Speaker, I rise in strong support of H.R. 3688, the U.S.-Peru Trade Promotion Agreement Implementation Act. I've long been an ardent supporter of trade expansion.

Mr. Speaker, the bottom line is jobs. Fully 95 percent of the world's population lives outside the United States. The global economy's projected to grow at three times the rate of the United States economy. So, it doesn't take a mathematician to figure that we must take steps to make sure American farmers, manufacturers and service providers remain competitive in the international marketplace.

We also must make sure our products have fair access to foreign markets. Job creation depends upon both factors.

But this agreement is about more than expanding markets for U.S. goods and services. In fact, it's about more than job creation. It will also have a significant geopolitical impact.

As we all know, and as has been said on the floor tonight, South America's on the precipice of choosing between the free market, democratic West and the autocratic, dictatorial model being peddled by Venezuelan President Hugo Chavez.

Chavez continues to lure Latin American countries into his fold through false promises and blatant, unabashed bribery. This agreement that we're debating here tonight offers a legitimate alternative for Peru, an alternative to make significant economic strides and alleviate poverty, while providing increased market opportunities for both countries, U.S. businesses as well as Peruvian businesses, because, you see, Mr. Speaker, as most people in this body understand, trade is a win-win proposition. Both win when we expand trade, both countries.

The empirical data, Mr. Speaker, clearly shows the benefits to both countries, both economies. And as a Member who has a personal history with the Peruvian people, who's gone on several missions with our mission group from home, I urge Members not to ignore the humanitarian benefits as well as the geopolitical benefits that come along with passage of this agreement.

Finally, Mr. Speaker, I want to send my sincere thanks and gratitude to our Peruvian counterparts who worked so hard to make this agreement a reality. Former President Toledo and former Ambassador Ferraro worked tirelessly to address the concerns of many of us here in this body, especially on the Ways and Means Committee, came and met with us at least three times. Many of us went over to Peru to meet with them. Also President Garcia and Ambassador Ortiz.

Mr. Speaker, let's do the right thing for American workers and vote ''yes'' on this trade agreement.

Mr. MICHAUD. Mr. Speaker, I now would yield to a gentleman who has been in this body for a number of years, who has seen firsthand the devastation of bad trade deals such as Peru, the gentleman from Michigan (Mr. KILDEE) for 3 minutes.

Mr. KILDEE. Mr. Speaker, all trade agreements suffer from the same fundamental flaw: They are not self-enforcing. Trade agreements depend upon vigorous enforcement, which requires official complaints be made when violations occur.

None of the six Presidents with whom I have served here in the Congress have shown any eagerness to file complaints when agreements are violated. I certainly have no faith in President Bush to show any enthusiasm to enforce this agreement.

Congress should not hand this administration yet another trade agreement because past agreements have been more efficient at exporting jobs than goods and services.

My city of Flint, Michigan, has dropped in population from 190,000 to 118,000. Much of this loss is due to trade agreements. If you want to put the human face on trade, come and look at the sad faces in Flint, Michigan.

Mr. Speaker, shortly after NAFTA was passed, workers at Delphi in Flint were ordered to package up manufacturing machinery for transport to Mexico. They were actually exporting their jobs to another country in packing crates.

And to add insult to injury, the following year, the U.S. Department of Commerce was reporting the increase of exports to Mexico, and they included that machinery from Flint, Michigan. They included that exportation of jobs as progress. This was the United States Department of Commerce. This was not the Mexican Department of Commerce bragging how jobs had been exported to Mexico.

I appeal to all Members of Congress to vote ''no'' on this. But I appeal especially to my fellow Democrats not to turn their backs on those American workers who suffer from the export of their jobs. They want a paycheck in Flint, Michigan, not a TAA unemployment check. And the chance of TAA becoming law is far from certain.

I urge you, particularly on this side of the aisle, to stop the exportation of American jobs and vote ''no'' on this free trade agreement.

Mr. MCCRERY. Mr. Speaker, at this time I would yield 5 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding. I thank him for his hard work, the hard work of my good friend, the chairman of the committee, Mr. LEVIN, of Mr. HERGER, for working to bring this important bill to the floor.

Americans can and do compete all over the world. They can and do compete successfully all over the world. And it's particularly important that we compete in our own neighborhood.

Many of us, over the last several years, have begun to look at what's happened in the last two decades to our neighbors to the south and their relationships with us, and we saw those relationships drifting away. One way to strengthen those relationships is to strengthen this opportunity to work together, this opportunity to trade together, this opportunity to have legal systems that encourage investment and trade. And we can do that.

The point's been made already by speakers on both sides of the aisle that for some time now, Peru, Colombia, Panama, the CAFTA countries that are now moving in and have moved into a permanent trade relationship with us, for some time now they've been able to ship all of the things into our market without duties that they could possibly ship into our market.

In fact, as we've discussed these trade bills in the past, I've had Members on both sides of aisle ask me, well, if they can send everything in here they want to send in, why would they even want this arrangement?

Of course, the reason is not the immediate economics to them, because the immediate economics to them are already very good. The reason is the long-term tie and relationship of their economy to our economy, the strength it gives them in this hemisphere to be a partner, a trading partner with the United States. And we see that happen.

The projection on this opportunity alone is that U.S. exports to Peru will increase by over $1 billion a year; not much projection on increase early on from Peru, because, remember, they're already sending everything here that they want to without tariffs. This removes the barriers not for them; they've already been removed. This removes the barriers for us.

And our neighborhood's important. Our hemisphere is important. The United States has been blessed in many, many ways. And as we see the opportunities grow for people in all of the Americas, that's actually good for us. One billion dollars in exports means $1 billion in manufactured goods from this country, some services from this country going to Peru. And I think that Peru should only be the beginning of what we do over the next few months.

Following on CAFTA, Peru, Panama, Colombia, all of which have, at this moment, the access to our markets they would have after the agreement, we need access to their markets.

□ 2100

We need that permanence of relationship. We need that reaching out to say that we are in this hemisphere together, we are in a global economy, and the part of that economy that we should all benefit from the most is the economy closest to us. And Mr. MCCRERY and Mr. RANGEL have worked hard to establish a framework here that's the framework for the work we do tonight and tomorrow but also is the framework for what we do in the rest of this Congress.

I urge my colleagues to look not just at the economic impact of these agreements but also the geopolitical impact, the impact in our neighborhood, the impact in our hemisphere, the opportunity of these countries to work to

eliminate illegal trade and particularly to eliminate illegal drug trade, the opportunity in these countries to open their markets to us as we have opened our markets to them. I urge my colleagues to give support to this agreement as we look at the future of other agreements and other opportunities.

Americans can compete. Americans are competing. And this agreement will prove the American ability to compete in yet one more country.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished member of the Ways and Means Committee, Mr. TANNER.

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

Mr. TANNER. Mr. Speaker, trade is not a political issue; trade is an economic issue. The economics of this agreement are such that Peru, if you voted for the Andean trade preference, already has access to our markets without regard to tariffs and duty. This is the other side of the coin and will allow us to immediately export into Peru cotton, soybeans, soybean meal, crude soybean oil, beef, wheat, sorghum, peanuts. This is the other side of the Andean Trade Preference Act. So if you believe, as I do, that in this country we can grow more food than we can consume, we can make more stuff than we can buy and sell to each other, then it's not a political argument; it's an economic fact of capitalism that whoever is engaged in that excess production is going to lose their job because we cannot eat all the food we can grow and we can't buy and sell to each other all the stuff we make.

So how do we save jobs in this country? By exporting manufactured goods and agricultural products that we can grow and that we can make. This allows us to do better than current law.

Now, if you want to vote ''no,'' what do you get? You get status quo. I thought that's what we were trying to change. We don't like status quo. We want more jobs in America. How do you get more jobs? You get more jobs by allowing people who are engaged in excess production to sell it to somebody else out of this country. That's what it's about.

There is one more aspect that I would like to touch on briefly, the national security aspect. South America is going to go one way or the other. I was just in Colombia, South America this last weekend. Chavez and Venezuela is against this. Are you with Chavez or are you with America? That really is basically what I am trying to talk about.

Mr. MCCRERY. Mr. Speaker, I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. I thank the gentleman for yielding.

I must tell you, Mr. Speaker, I have seen this FTA evolve and I have watched it, representing as I do an area of the country where we have seen both the positives and the negatives of globalization and of trade, and I watched this FTA fully prepared to be skeptical.

Mr. Speaker, I am very pleased today to rise in strong support of this free trade agreement on the strength of the fact that it clearly will further advance America's economic as well as political and foreign policy interests.

As you know, Mr. Speaker, since 1991 our country's commercial partnership with Peru has been driven by unilateral preferences extended to Peru under the Andean Trade Preference Act. Over the past 16 years, Peru clearly has demonstrated its commitment to that agreement in both terms of political and institutional resources. After making significant strides in shifting away from production and shipment of illegal drugs, Peru has become a proven ally and has established itself as a steadfast partner in combating narcotics trafficking, countering regional terror groups, and helping to supply America's energy needs. Approval of this trade agreement will be a critical signal to the Peruvian people and not only help to promote closer ties but to open the door to a new era of trade for our country.

We recognize that the Peruvian economy is roughly the size of the State of Louisiana that the distinguished ranking member represents. It is roughly the size of Louisiana as of 2005. While Peru is not an enormous market, it is still a significant opportunity for U.S. exports.

In 2006, 98 percent of Peruvian exports entered the United States duty-free under the Andean trade pact. The U.S.-Peru Trade Promotion Agreement levels the playing field by moving beyond one-way preferences to full partnership and reciprocal commitments under which U.S. exports also benefit from duty-free treatment. Under this agreement, 80 percent of U.S. exports would become duty-free from day one and other tariffs on exports would be phased out.

The International Trade Commission has estimated that U.S. exports to Peru will grow by $1.1 billion, or more than double the estimated growth of imports from Peru. Additionally, the ITC estimates that the big winners in the U.S. economy will be value-added products, especially in the machinery and equipment sector. The largest import gains from Peru, the ITC estimates, will be inputs, such as basic metals as gold and copper.

In addition to being economically complementary, this agreement will provide substantial new opportunities for American farmers' agricultural exports, break down barriers facing U.S. service providers, and strengthen protections for workers. In fact, the U.S.-Peru Trade Promotion Agreement marks a significant milestone with its inclusion of the most advanced labor obligations of any bilateral or regional trade agreement.

Specifically, this trade pact will require Peru to adopt and maintain fundamental labor rights, as stated in the International Labor Organization Declaration Principles and Rights at Work. This includes freedom of association, collective bargaining rights, the abolition of child labor, among others. Mr. Speaker, these standards are an enforceable part of the agreement, and that is in itself a seminal reform.

Mr. Speaker, there are additional components that I think make this FTA particularly compelling, including enforceable environmental standards. This is a high standard agreement that furthers the commercial and foreign interests of the United States of America.

What this is not, and I emphasize this to my constituents, this is not another NAFTA. This is not a threat to our manufacturing base. I think this is precisely the kind of agreement that many of us have argued for for years.

Isn't it time, if we want a stronger trade policy, that we take ''yes'' for an answer? If we embrace this free trade agreement, we have an opportunity to use it as a model for future trade agreements, and that in turn will strengthen the hand and level the playing field for American companies and American workers.

For all of my colleagues who share that goal, please vote for this FTA. Please send that message.

Mr. MICHAUD. Mr. Speaker, I now would yield 3 minutes to a gentleman who is very outspoken about fair trade deals, the gentleman from Ohio, Congressman KUCINICH.

Mr. KUCINICH. I thank the gentleman from Maine for his own leadership.

The U.S.-Peru Free Trade Agreement continues the destructive trade policies that spur the exodus of good-paying jobs and undermine the ability of working people to protect their living standards.

Our workers and our communities have been hurt by the devastating impacts of our flawed trade policies. Since 2001, over 3 million valuable manufacturing jobs have been lost by U.S. workers due to the unsound NAFTA model of trade analogous to the U.S.-Peru Free Trade Agreement we are considering tonight. Yet the Bush administration insists on continuing to implement the same policies that have off-shored jobs and left hard-working Americans in precarious circumstances.

Common sense suggests that our trade policies must continue to promote and expand Buy American practices that support American competitiveness. Instead, this agreement undermines Buy American programs.

This destructive trade bill requires that all firms in Peru, Peruvian or otherwise, be granted equivalent access to outsourced U.S. Government work and Buy American program contracts as our own U.S. firms. Suggesting that Buy American should include Peruvian

businesses indicates that the multinational corporations are the real beneficiaries of the free trade agreement.

This body successfully fended off the Bush administration's attempts to privatize our Social Security system in 2005. It should follow that this body would hold firm on this principle for other nations as well.

However, there are provisions in the Peru FTA that would allow U.S. firms to exact compensation if the Peruvian Government reverses the partial privatization of their own social security system. Citibank would reap a windfall if Peru did what the U.S. Congress has voted to do, roll back the privatization of Social Security.

Furthermore, the U.S.-Peru FTA threatens the citizens and workers of Peru. The two main labor federations of Peru have expressed opposition to the agreement over concerns for the workers of both of our nations.

As corporations cut U.S. jobs and relocate in search of lower labor costs, the U.S.-Peru FTA threatens to expand sweatshop labor in Peru and casts doubt on the adequate enforcement of worker protections. In a country already fraught by high poverty levels and a growing gap between the wealthy and the poor, the U.S.-Peru FTA will further exacerbate Peru's difficulties with provisions that ultimately promote privatization and deregulation of basic necessities such as water and electricity.

Agricultural provisions of this agreement threaten the well-being of Peru's peasant farmers. These provisions are expected to cause displacement of farmers and increased hunger. Peru has over 7 million citizens living in rural communities, with agriculture helping to sustain one-third of its population. It is estimated that over 4.5 million Peruvians are malnourished and without much-needed income.

I urge the defeat of this trade agreement and standing up for the American worker.

Coca cultivation requires minimal technology, produces four yields annually and is profitable. Because the Peru FTA includes provisions requiring Peru to reduce tariffs on U.S. agricultural products it is predicted that many Peruvian farmers will turn to the illicit cultivation of coca to earn a living.

Experts predict that these agricultural provisions of this NAFTA style deal threaten an increase of undocumented migration into the U.S. This has implications for our immigration system, a system that is already badly in need of humane reform.

Terms in the U.S.-Peru FTA for drug makers will harm Peruvian patients who need lifesaving medications. The provisions ensure that patients in Peru will struggle to afford necessary drugs.

Corporations will be able to challenge domestic environmental and public health laws in international tribunals. This gives corporations the ability to circumvent accountability and undermine laws that exist to protect people and the environment.

Failed trade policies that threaten natural resources and our environment have been the status quo for too long and will only continue under the U.S.-Peru FTA.

Like prior trade agreements, the U.S.-Peru FTA will not bring global prosperity and well-being, but will instead bolster powerful corporations. I urge my colleagues to oppose the U.S.-Peru FTA.

Mr. LEVIN. How much time is there?

The SPEAKER pro tempore (Mr. SNYDER). The gentleman from Michigan has 29½ minutes remaining tonight. The gentleman from Louisiana has 56½ minutes remaining tonight. The gentleman from Maine has 33½ minutes remaining tonight.

Mr. MCCRERY. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. HERGER), the ranking member of the Trade Subcommittee of the Ways and Means Committee, be allowed to allocate the remainder of my time.

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

There was no objection.

□ 2115

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina, Mr. ROBIN HAYES.

Mr. HAYES. I want to thank Chairman RANGEL, Chairman HERGER and Chairman MCCRERY for their great work. Unfortunately, I must rise today in opposition to H.R. 3688, the U.S.-Peru Trade Promotion Agreement.

My opposition to this agreement stems from what the American Manufacturing Trade Action Coalition calls a continuation of a flawed trade policy of trade deficits, offshoring and job losses.

Auggie Tantillo, the executive director of AMTAC goes on to state, ''Congress spending the entire year focusing on an unpopular Peru FTA instead of passing a strong anticurrency manipulation bill is an enormous disappointment to U.S. manufacturers desperate for relief from China's predatory trade practices.'' Folks, I could not agree more. I don't see where this particular legislation helps combat the largest threat to our Nation's manufacturing base, China.

As many of you know, manufacturing, the textile industry in particular, has taken a massive hit in both loss of jobs in businesses due directly to unfair trade practices by China and their fixed currency. Without a level playing field for our textile workers, businesses, and the manufacturing sector in general, the demise of our manufacturing industry will continue to take place all over the country.

I'm a cosponsor and strong supporter of the Currency Reform for Fair Trade Act, which was sponsored by Congressmen DUNCAN HUNTER and TIM RYAN. This important piece of legislation will level the playing field for American companies by stipulating that countervailing trade cases targeting government subsidies can be brought against nonmarket economies such as China, and it does it in a WTO-compliant manner.

Another issue I'm concerned with is the lack of enforcement of our current trade laws, in particular with textile enforcement. Textile enforcement is vital to the future of the U.S. textile industry and its workforce. The U.S. textile and apparel industry is critical to the economic national security of our Nation.

The industry contributes almost $120 billion to our Nation's GDP. However, we are putting this industry and its workforce in harm's way if Customs does not continue to utilize all enforcement tools, such as seizures, detentions and special operations to help our Nation's industrial base.

Folks, we need to get our priorities right here. We need to focus on preserving American jobs and American businesses. We have lost too many jobs. Too many companies have been hurt because of unfair Chinese trade practices and lack of proper enforcement. It's time to start fighting back.

Mr. LEVIN. I yield to the gentlelady from New York for a unanimous consent.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. I thank the gentleman for yielding.

I congratulate the dean of our delegation for his leadership on this important agreement, and I rise in strong support.

Mr. Speaker, I rise in support of the U.S.-Peru Free Trade Agreement.

This agreement represents a new direction for trade agreements.

This agreement will provide greater market access for and remove tariffs on American goods with a country that already enjoys the export of a number of goods to the United States duty-free.

Working off the historic agreement negotiated by Democrats in May of this year, this agreement has been negotiated to include critical labor and environmental provisions and will help ensure the economic and national security of the region.

It was the lack of these environmental and labor standards that led me to vote against the North American Free Trade Agreement (NAFTA) and the Central American Free Trade Agreement (CAFTA).

Among the labor standards negotiated in this agreement are worker rights and protections for which we have fought these many years.

As a result of the May 10 agreement negotiated by House Democrats, the labor chapter of the Peru FTA includes a fully enforceable commitment that countries adopt and enforce the five basic international labor standards.

In addition, this agreement also includes commitments to enforce a sixth set of rights—those pertaining to acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.

This agreement includes critical new environmental provisions.

It requires Peru to adopt, maintain, and enforce obligations under seven common multilateral environmental agreements; specify numerous concrete steps that Peru must take to curb illegal logging and impose a clear schedule for doing so; and it gives the United States

an unprecedented set of enforcement tools to ensure that Peru meets its environmental commitments.

These provisions are a far cry from the "enforce your own laws" of NAFTA and CAFTA.

Beyond the labor and environmental standards negotiated in this agreement, I believe this agreement is a vital instrument towards economic and political security.

Having a strong and stable ally in Latin America will allow aid to the United States in our continued battle against narcotic trafficking.

Again, I support this agreement and I urge its passage.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

I just want to say to our distinguished colleague from Ohio (Mr. KUCINICH), who raised the Social Security issue, it's simply not accurate. If you look at the language within the FTA, there is no basis for these claims regarding the inability of Peru to unprivatize its Social Security system.

Mr. Speaker, I yield 2 minutes to the gentlelady from Ohio.

Mrs. JONES of Ohio. I thank the gentleman for yielding.

To the Chair of the committee, Mr. RANGEL, Ranking Member MCCRERY, the subcommittee Chair of this trade agreement, I come from the same community as DENNIS KUCINICH, and I've seen the loss of jobs in Ohio, in northeast Ohio and across Ohio, from CAFTA and NAFTA. But it's my belief, having served on this committee for the past 4 years, and having had an opportunity to travel to Peru, that this is a good agreement.

My newspaper used to say, Well, STEPHANIE, why do you travel so much? Why do you go places? What impact does it have on your voting? I said, Well, how can I make a decision on international issues if I don't travel to the country to see what's going on? And I had the opportunity to travel to Peru about 2 years ago under the leadership of Chairman Thomas, and at the time, President Toledo was the President of Peru. Ambassador Ferraro was the ambassador, and he gave me the opportunity to sit down and have a discussion with farmers, with union people and others with regard to what this agreement would do for Peru. I also happened to have a staffer whose name was Jorge Castro who was from Peru, and I had a chance also to speak with his father who was employed in that country.

This is an opportunity for us to step away from the tradition, to look at a trade agreement that focuses on environmental issues, to look at a trade agreement that focuses on labor standards, and to step back and say, well, maybe this is our opportunity to say, well, here we can, once again, try and not only lift up the people of America, but to lift up the people of another country, to have a chance to talk to those farmers about growing and having something other to do than being involved in the drug trade, to have an opportunity to say to the people of Peru, it's time for a difference, and that the United States will give them an opportunity to do something different.

All of my colleagues have talked about the change in labor standards, the change in environmental agreements, but I stand here, as some of my other colleagues have said, to put a face on these agreements, because it's very easy for us to step back and say, well, these jobs were lost by this. We haven't lost jobs by the Andean Trade Agreement with Peru. We have an opportunity to open doors for them and open doors for us. And I encourage my colleagues, who I have stood with, I am a 100 percent labor voter, but I stand here this evening to say, let's give them a chance, let's give them an opportunity, get broader and change our piece.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin, a member of the Ways and Means Committee, ranking member of the Budget Committee, Mr. RYAN.

Mr. RYAN of Wisconsin. I thank the distinguished ranking member of the subcommittee for yielding.

Mr. Speaker, if you're not going to vote for this trade agreement, you're probably not going to vote for any trade agreement that's before us.

This trade agreement is a no-brainer. This trade agreement is a bipartisan agreement. This trade agreement shows what you can get accomplished when we all work together.

This trade agreement recognizes the fact that we have one-way trade right now with Peru, and with this agreement we have two-way trade. Ninety-seven percent of all of Peru's exports come into the U.S. duty free; only 2.8 percent of our goods go to Peru duty free. This lets us send our stuff there duty free. This gives us the same opportunity to send our exports as we already give the Peruvians.

Now, what we hear often on the floor about why trade agreements are so bad, it's usually the trade deficit. Well, here is one interesting statistic, Mr. Speaker; 85 percent of the trade deficit comes from countries we don't have trade agreements with. You see, when we get trade agreements, we get good agreements for our country. We get the rule of law. We get enforceable contracts. We get access to their markets. Why is that important? It's important to get access to other markets because 97 percent of the world's consumers are not here in America; they're overseas. Ninety-seven percent of the world's consumers are elsewhere outside of this country.

We are a mature country, a fast economy, a mature economy. We have a high standard of living relative to the rest of the world. And if we want to enjoy that high standard of living, if we want to build on that high standard of living, if we want to fulfill the American Dream, which our parents and grandparents always taught us, which is, in America, you leave the next generation better off than your generation, you've got to find more markets and more consumers for our products.

We cannot possibly consume all that we make and all that we do because only 3 percent of the world's consumers are here. That's why we have to open markets; that's why we have to have access.

This is a good agreement for foreign policy reasons. This is saying to the reformers in Latin America, we're with you. This is saying to the human rights movement, to individual rights, to democracy, we are with you. America stands with you. That is so important at a time when you have a threat knocking on the door from people like Chavez next door in Venezuela.

Let me just read a few statistics of some of the recent successes of some of our recent free trade agreements with respect to our exports, which creates jobs, and how this has helped grow America's standard of living.

Since we've had free trade agreements with these countries, here is the success: Our exports to Jordan, up 92 percent; our exports to Chile, up 150 percent; our exports to Singapore, up 49 percent; our exports to Australia, up 25 percent; our exports to Morocco, up 67 percent; our exports to Bahrain, up 40 percent. Our exports are up 15 percent this year alone. That's one of the reasons why our economy grew at an astounding rate of 3.9 percent last quarter alone, because of exports. And we all know, the statistics are very clear, that exports produce good-paying jobs.

So, Mr. Speaker, this is a chance to strike a blow for enforceable contracts, for the rule of law, for worker rights in Latin America, and for jobs here in America.

Again, as I mentioned in the start, this is a no-brainer. I want to thank the chairman of the Ways and Means, Mr. RANGEL, for his work on this. I want to thank our ranking member, Mr. MCCRERY, for his work on this. And I also want to thank the people who really sweat this thing out at the negotiating table, the people at the USTR, and our Ambassador, Susan Schwab, for all of the hard work they put into this. This is one step in the right direction. Panama and Colombia are two more steps in the right direction.

I urge adoption of this.

Mr. MICHAUD. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, Representative LYNCH.

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

Mr. LYNCH. I don't know what it means when someone calls something a no-brainer and then he takes credit for it, but I rise in opposition.

First of all, I want to say that I have enormous respect for the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN), and Mr. NEAL, who is also part of this, Mr. MCCRERY, Mr. HERGER. Look, while

I commend my friends for their work in incorporating the International Labor Standards in this agreement, and that is an accomplishment, and I concede that, I must say that, for the record, Peru has already adopted the eight core International Labor Standards in their country already, and yet the record also indicates that, number one, based on the ILO reports, that we've got 2 million children working right now in Peru. It also indicates, the same reports, that 33,000 people are currently subject to forced labor in the Amazon region. Our own State Department reports that there is extensive noncompliance with the minimum wage guidelines, and that more than half of the population in Peru earns the minimum wage. You know what the minimum wage in Peru is? $3.60 a day. There was a gentleman up here earlier tonight who said that Peru's economy was the size of Louisiana. I just beg to differ on that point. The World Factbook indicates it's less than half. But these conditions are far from free trade.

Here's what it boils down to. And I appreciate the work that's been done here today, but I work with a lot of the financial services companies in the United States in an effort to try to get fair treatment of our financial service companies around the world. I fly into places like Afghanistan, Pakistan, Jordan and Turkey to try to get those central bankers in those countries to treat our financial institutions, our banks and our investors fairly. We asked them to specifically adopt world standards that are reliable, adopt transparency standards that are reliable, and we force them, we compel, through our economic strength, to meet that standard. But here, when it comes to requiring free trade and fair treatment of American workers, we have a general statement here. We have no real tough enforceability and accountability standards like we require of people who deal with our financial services companies around the world, and I think that is a big mistake.

We don't export democracy through the Defense Department. We do it through these trade agreements. And we've got to fight for the American worker like we fight for these multinational corporations.

□ 2130

Mr. HERGER. Mr. Speaker, I yield now 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this agreement and thank the gentleman for yielding.

Foreign trade is vital to the United States economy and to my home State of New Jersey. Since 1945, the world's markets have become progressively more open thanks in large part to leadership exhibited by our own country. Our Nation's citizens have benefited. Ambassador Susan Schwab, our United States Trade Representative, indicates that U.S. annual incomes are $1 trillion higher because of these trade promotion agreements, which equates to $9,000 per year for the average American family. In just the last decade, such free trade agreements have helped raise our Nation's gross domestic product by nearly 40 percent and add more than 16 million jobs.

Additionally, trade creates more and better jobs. Manufactured exports support over one in six manufacturing jobs, an estimated 5.2 million jobs in the United States. Agricultural exports are responsible for 926,000 jobs. Interestingly enough, U.S. jobs supported by exports pay American workers more, an estimated 13 to 18 percent above the national average.

In my home State, international trade is a driving force in our economy. In 2006, merchandise exports from New Jersey were valued at $27 billion, which places us ninth among all 50 States and represents a $10 billion increase since 2002. Such increases benefit not just New Jersey's manufacturing sector, but also positively impact transportation, logistics and warehouse activity across our State. It is also worth noting that in 2006, New Jersey exported $53 million in goods to Peru.

Indeed, a recent report presented to the New Jersey Commerce and Economic Growth Commission states, ''New Jersey has the greatest opportunity of any State to prosper in the new global age due to its location within the global and continental grid and its systems-wide resources.''

Beyond the economic benefits, trade builds important international partnerships that encourage security and prosperity abroad. This agreement, while relatively small in comparison to others, as well as other pending agreements with Colombia and Panama, present vital opportunities to expand our economic freedom, fight narco-terrorism, expand export opportunities, and build strategic alliances with key allies in the Americas.

In addition, this agreement would eliminate tariffs for U.S. companies, expand trade in areas such as textiles and agriculture and give our own financial services companies more market access. Failure to execute this pact and others like it would not bode well for our ability to take advantage of vast global markets. Indeed, as others have said, over 95 percent of the world's consumers are outside the United States.

But more importantly, limiting foreign trade counters America's long-held belief in free enterprise and open markets. We can compete as a nation in the global marketplace if we reject protectionism and continue to remove barriers to free and fair trade with countries around the world. If not, we will only have our own politics and shortsightedness to blame for the outcome.

I encourage my colleagues to join me in supporting this agreement.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership.

Mr. Speaker, I have dedicated over 30 years to environmental efforts. As a Member of this Congress, I successfully fought to enhance environmental provisions in the Singapore Free Trade Agreement. I have carried these arguments and opportunities in China, Indonesia and Vietnam. I didn't support CAFTA because President Bush and the partisan Republican leadership abandoned efforts to work in a bipartisan fashion and rebuffed our efforts at environmental protection.

I can't express my appreciation to our chairman, Mr. RANGEL, and to the chairman of the subcommittee, Mr. LEVIN, for empowering members to work with the environmental community to make sure that their voices were heard. And we have been able to enshrine in this agreement enforceable, multilateral environmental agreements in the FTA for the first time in history. Absolutely unprecedented.

We have already been able to use the force of these agreements to clarify the protections of threatened Peruvian forest wilderness using the leverage we have already got even before it was enacted. This is not remotely NAFTA. We have all learned from that experience. It is not CAFTA, which I didn't support. We have given the critics what they said they wanted within labor protection and within the environment.

I urge in the strongest possible terms that we vote a new beginning in trade. Adopting these stringent labor and environmental protections in the agreement will serve as a foundation for United States trade policy from this point forward, and I urge its adoption.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding and for his leadership on this issue and so many others.

Mr. Speaker, a number of my colleagues have come to the floor today to argue passionately, as we have just heard, about the principles of free trade and whether we should pass the trade agreement between the United States and Peru. This is a historic moment for U.S.-Andean relations. The United States and Peru have agreed to formalize this mutually beneficial economic relationship with this groundbreaking U.S.-Peru trade promotion agreement.

This agreement opens new markets for U.S. businesses and provides strong protections for U.S. workers and companies. Additionally, it furthers the Peruvian market-oriented policies and advances the agenda that has made Peru one of the fastest growing emerging economies.

Mr. Speaker, this stands in sharp contrast to the policies of Venezuelan President Hugo Chavez. We are at the beginning of a new day in the Andean

region, and this trade agreement is the first step in a successful campaign to spread democracy, expand free trade, and stabilize the region while also taking a stand against poverty and crime.

For our part, this agreement builds on Peru's many strengths and solidifies an important economic relationship between our two nations, presenting new market access for U.S. businesses, farmers, ranchers and consumers. U.S. exporters currently face Peruvian tariffs while Peruvian exporters are not generally subjected to any tariffs. This point has been raised many times but cannot be raised enough. We are working in a one-way street that has been working against us. This is the time to fix that and make this trade fair.

In my home State of Minnesota, we exported over $24 million worth of goods to Peru in 2006. These exports cut across all industries, from high tech computer manufacturers to our local farmers. Passage of this agreement would provide immediate elimination of tariffs on nearly 90 percent of current U.S. exports to Peru. This would allow producers and exporters the opportunity to not only preserve but to increase market share in Peru. As our market share increases, it naturally follows that prices and income increase and jobs.

A vote in favor of this bill supports job growth, sustains small- and medium-sized businesses and enhances agricultural competitiveness.

Mr. Speaker, I would ask that my colleagues here today join me in support of this important legislation and vote in favor of America's workers, America's farmers and American businesses.

Mr. MICHAUD. I am pleased to recognize the gentleman from California, Congressman SHERMAN, for 3 minutes.

Mr. SHERMAN. I thank the gentleman for yielding.

I have heard a lot of folks talk about the substance of this agreement. They started reading the agreement at the front. They saw the substance. They see the labor and the environmental standards. I think they are reading it in the wrong way. With an agreement like this, you need to start reading it from the back where the enforcement provisions are supposed to be.

So let us test the enforcement mechanisms in this agreement. Let me put forth an extreme possibility, an extreme example. Let's say there is a military coup in Peru. Let's say the junta is rounding up labor leaders. Let's say they start executing those labor leaders, God forbid. Let's say they televise those executions and they are being conducted by the head of the junta himself. What enforcement is there in this agreement? Only so much as George Bush decides to have. If he chooses to do nothing, then no action by any court of this country, no private action, no act by this Congress will be of any effect.

In contrast, importers will have an absolute right to enforce their rights to low tariffs on the Peruvian goods they bring into this country because if the tariff is lower, no customs agent of the United States could try to collect a higher amount. President Bush has never inconvenienced a multinational corporation. When in Guatemala, labor leaders like Marco Ramirez and Pedro Zamora were killed, President Bush did nothing. When dozens and more, scores of labor leaders in Colombia are killed, President Bush tells us we should have a free trade agreement.

The only provisions in this agreement that provide for enforcement can be nullified at the whim of a man who has no intention of enforcing this agreement. If you vote for this agreement, it's because you have faith in George Bush to enforce it.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the gentleman from California.

Like others before me, I want to say to Mr. RANGEL and to Mr. LEVIN, to Mr. MCCRERY and others on our side, thank you for working on this trade agreement. Absolutely I am opposed to it. I have been here for 14 years and for 14 years I have seen the American worker become less than a middle-class person and just trying to pay the bills. I don't know how with this Peru Free Trade Agreement that we can believe we are going to do a whole lot to help with the trade deficit of this nation, with the lost jobs of so many Americans.

The United States has lost more than 3.1 million jobs since 2001. The United States is projected to run a trade deficit of over $200 billion with China. We even have a trade deficit with Mexico.

Where in the world is this country going? I said yesterday to a friend of mine, ''I'm afraid we are in the last days of a great nation. When the basic Judeo-Christian values begin to crumble, the economy begins to fall apart, where is America going?''

This is not the right trade bill. We could have the right trade bill, just like we should have had with CAFTA. We almost defeated CAFTA on this floor but lost it by five or six votes. Peru has less than one-tenth of the U.S. population, and more than 50 percent of all Peruvians live in poverty.

Mr. Speaker, it is absurd to expect Peru to become a major consumer of U.S. finished products. If we really want to do something for America, why don't we do what is necessary and say to China, stop manipulating your currency to combat the predatory practices of trading partners like China; pass legislation to eliminate the $379 billion disadvantage to U.S. producers and service providers caused by foreign VAT taxes. That is something we should be working on. Ensure the safety of foreign-made products sold to the United States from toys to food. We really need to do those kind of things before we start passing these trade agreements that some fat cat somewhere is going to make big bucks while the workers of America continue to go downhill and worry about paying their utility bills, paying for their children to go to school, paying the gasoline prices.

Mr. Speaker, one other point and then I am going to close. I am a conservative Republican. I have believed for so long that we could come together and we could work together for the good of the American people, that we are losing the middle class in America. And a lot of that loss is simply because of good-paying jobs.

Mr. Speaker, I know we will not defeat this, but I pray to God that we will not forgot America's strength, and America's strength is the workers of this country.

□ 2145

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), and I would ask unanimous consent that our very distinguished chairman of the Ways and Means Committee control the rest of the time.

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

There was no objection.

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

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

Mr. Speaker, I rise in strong support of this Peruvian Trade Agreement. We know that it has been increasingly difficult to pass measures out of this Congress in a bipartisan fashion, and it is unfortunate. I still believe that this Congress functions best when you can work in a bipartisan manner.

The vote tomorrow on the Peruvian Trade Agreement will be different. It will be different because we are embarking upon a new historic template on these trade agreements, one that embodies core international labor standards and environmental standards for the very first time in these trade agreements, fully enforceable, like any other provision in the agreements.

This debate tonight isn't about whether the United States of America should remain positively engaged with other countries around the world, whether we should be trading. We are less than 4 percent of the world's population. Of course we have to trade.

Rather, the debate is what the rules of trade should be, and will we do everything we can to begin elevating standards upwards across the globe or to continue to see this race to the bottom for the lowest common denominator. With core labor standards and environmental standards in the body of the agreement, we are, for the first time, leveling the playing field for our workers so they can successfully compete in the global marketplace.

But I also believe that trade is more than just goods and products and services crossing borders. It is an important part of our diplomatic arsenal, because when goods and products do cross borders, I believe armies don't.

I commend the leadership of our committee, the leadership of our respective parties, and also the President and Susan Schwab, our USTR, for coming to agreement on this historic trade measure.

But there is one cautionary note I would give to the current administration and future administrations, and it is the best argument that the opposition has here tonight, and that is if administrations refuse to enforce these provisions, it will prove increasingly more difficult to pass future trade agreements out of this body and we will continue to lose the confidence of the American people.

Mr. Speaker, I encourage my colleagues to support the agreement.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I thank Ranking Member HERGER and the chairman of the Ways and Means Committee for leading, I think, a terrific bipartisan effort.

I rise today in support of expanding our Nation's export markets by passing the bipartisan Peru Trade Promotion Agreement. The agreement will create significant new opportunities for American farmers, ranchers, businesses and certainly consumers by opening new markets and reducing trade barriers, leveling that playing field.

More than two-thirds of current U.S. farm exports to Peru will become duty free immediately. This trade agreement gives U.S. farmers an advantage over competitors. For example, U.S. exporters of wheat and white corn currently pay a 17 percent tariff in Peru, while Argentina pays only 3.4 percent and controls two-thirds of Peru's market.

You eliminate the 17 percent tariff and give U.S. grain exporters a leg up. According to the American Farm Bureau Federation, U.S. agriculture exports could exceed $705 million, an increase of over 1,000 percent from current levels. In addition, Peru has committed to recognize the U.S. meat inspection system as the equivalent to its own, thereby allowing imports from facilities approved by our own USDA. Peru has committed to specific sanitary and phytosanitary terms, removing barriers to imports of U.S. beef, pork, poultry and rice.

Opening export markets has long been a priority of mine. Earlier this year I hosted an export seminar which drew forward-thinking individuals from across my district. They recognized just how vitally important access to foreign markets can be to our economy.

In 2006, Nebraska's agriculture exports worldwide were around $3.3 billion. A total of 1,125 companies exported goods from Nebraska in 2005. Of those, 877 were businesses with fewer than 500 employees. Despite high tariffs and other barriers on most agriculture products, including beef, corn and soybeans, U.S. exporters shipped more than $209 million in agriculture products to Peru.

Nebraska would benefit from this free trade agreement which provides U.S. suppliers with access to foreign markets and levels the playing field with our competitors. As the Omaha World Herald newspaper put it in today's edition, ''Greater trade opportunities hold clear benefit for the Midlands. In terms of Nebraska's economic interests alone, tariffs would be sharply reduced on the State's primary exports to Peru: chemical manufactures, machinery, and processed foods.''

But more than just economic interests, this agreement builds trust between two countries. By opening the doors for our exports, we also open lines of communication. We help improve lives. We foster a sense of community.

Agriculture markets are tremendously important to my district and the Nation as a whole, and I hope to help Nebraska's products continue to compete in the global marketplace. But I also want to help America remain the greatest Nation in the world. We can do so by opening the lines of trade and communications to trading partners across the globe.

Mr. Speaker, I urge support for this bipartisan measure.

Mr. MICHAUD. Mr. Speaker, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding. I only wish we could have had these moments before the Ways and Means Committee itself, the respect Members should be afforded when their State's lost over 200,000 jobs and our Nation millions of jobs to these trade agreements. At least we have earned the respect. I am sorry that we only get 5 minutes on the floor. So many people are depending on us.

We know that every time this country signs a free trade agreement with a developing country we end up outsourcing more wealth and middle-class jobs. U.S. companies are shuttering faster than we can count. If these trade agreements were working, America's trade deficit would not be ringing in at over $800 billion this year, and for every billion, 20,000 more jobs lost in this country. What an unprecedented wipeout of productive wealth and of jobs and of lives. The sliding value of the dollar proves it, our staggering debt levels prove it, and the growing stock market instability proves it.

If we put it in perspective, we were told that when NAFTA passed, and I voted against that in 1993, our Speaker voted for it, our majority leader voted for it, I remember that vote very clearly, we were told that though we had a surplus with Mexico, it would grow. What happened? We have fallen into deeper and deeper deficit with Mexico every year. And over 2 million Mexican peasants were upended from their farmland, creating an endless flow of illegal immigration to this country, because we were not allowed to offer amendments to provide adjustment provisions in those agreements for the people of the Third World. Shame on us.

Then we were told, well, let's move to China. When the China PNTR was signed, we weren't in trade balance with China; we were actually in trade deficit. But after PNTR was signed, the deficit doubled and tripled. The Speaker talked about that tonight. It didn't get any better; it just got worse. And now we are getting all of the tainted food and the toys with lead and so forth.

The Jordan Free Trade Agreement had environmental and labor provisions. They said, that is the dawn of a new decade. Just what they are saying tonight. Guess what? No enforcement. We know that. They don't intend to do that. They never did.

Now tonight we look at Peru. Now, with Peru we are already in deficit; in fact, over $3 billion in deficit with Peru. I hope the Ways and Means Committee staffer is adding this up, because, you see, the numbers are in the wrong direction. That is why the value of the dollar is terrible.

What is interesting about Peru, though, what is the largest export from Peru to the United States? Gold. Gold. How convenient. And Peru is the largest silver producing country in the world.

Look at the commodities markets. In whose interest would it be to bring in more of that here? And we have heard that Caterpillar now wants to move its production to serve those mines down in Peru. They are not going to send tractors from Illinois to Peru. They are going to move the production to Peru and pay those workers nothing. We have seen the pattern before. Now, please, don't take us to be idiots.

We think about Del Monte and Green Giant. They used to manufacture. They had all of their product processed in Watsonville, California. I have been there. My uncles used to work there. Guess what? It is gone down there.

Do you think they pay these farmers anything? No. We are going to lose 3 million Peruvian farmers. They are going to be upended just like the Mexican campesinos were. Have we no heart? Some people have no heart. We have heart. We are down here tonight. We can't forget them.

I remember Congressman KUCINICH was talking about Citigroup. Citigroup. They just wrote off $11 billion Sunday night, in the wee hours of the night so maybe nobody would notice. Citigroup has got a little problem with subprime mortgages, so they want to manage now the pensions of the world.

They can't manage Social Security yet, so guess where they are going?

They are going to Peru. They want to manage those dollars, and lots of other pension funds in this country. They are in trouble. They made mistakes. They robbed the American people, and I sure hope they don't come to this Congress for help, because we shouldn't be paying to bail them out. They are going to go to Peru, and under this agreement, it makes it easier for them to do that.

Tonight I genuflect, not before the Ways and Means Committee, but before the mine workers of Peru who are on strike. They went on strike Monday because these gold exporting firms are making billions. They doubled their dividends in companies like Newmont, which just happens to be an American company that owns the biggest gold mine in Peru, in South America. Actually, it is the second largest gold mine in the world.

I genuflect before those mine workers because here is what they have been told. Though the company has doubled its dividends to its shareholders, they won't give the workers anything. That is one of the most dangerous jobs in the world. Do you think they care? They are cleaning up on Wall Street selling that gold. Go to New York. Watch how that happens. Will they help those workers? No. What the company has told them, what the government has told them, the government said, Go back to work or you lose your job in 3 days. You are fired.

That is who we are doing business with, my friends?

I am an old-line Democrat. I came here to represent the majority of people in this country who are being dispossessed by Wall Street, dispossessed by the global corporations that think they are worth nothing. And we had best have a majority of a majority here tomorrow stand for the workers of this continent who still believe that we are the beacon of freedom and that they matter.

God bless this country, and God bless our workers.

Mr. HERGER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING).

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

Mr. Speaker, I rise in strong support of U.S.-Peru Free Trade Agreement. I regret that heretofore the 110th Congress has been a decisively antitrade Congress, and that is why I want to thank Majority Leader HOYER and Chairman RANGEL for at least bringing this free trade agreement to the floor for a vote. It represents a modest step in the right direction.

One thing is very clear tonight when you look at the facts, and that is if a Member will not support the U.S.-Peru Free Trade Agreement, they will support no trade agreement. And as long as I have been a Member of Congress, I guess I never cease to be amazed, and I certainly have not been amazed that trade, still for some reason, seems to be controversial.

We have over 200 years of history teaching us that free trade delivers a greater choice of goods and services to our American consumers, and those greater choices mean more competition. More competition has helped lower prices, and this allows American families to buy more using less of their hard-earned paychecks. It means more money to make a down payment on a home. It means more money to send a child to college. It means more money to help a parent with long-term care.

According to Federal Reserve Chairman Ben Bernanke, increased trade since World War II has helped boost U.S. annual incomes by over $10,000 per household; yet the forces of protectionism want to take that away from the hard-working American family. He goes on further to say that eliminating all remaining trade barriers could raise U.S. incomes anywhere from $4,000 to $12,000 a year. Another opportunity for hard-working American families being denied by the forces of protectionism.

Let's specifically look at the trade agreement before us. In 2006, 98 percent of Peru's exports to the U.S. came into our markets duty free. Let me repeat that just in case somebody didn't hear; 98 percent of Peru's exports to the U.S. came into our markets duty free. But U.S. exports to Peru still face high tariffs.

Under the free trade agreement before us, 80 percent of U.S. exports of consumer and industrial goods will now enter Peru tariff free immediately, with the remaining tariffs to be phased out over the next 10 years.

I take particular note, representing the Fifth Congressional District of Texas, that this agreement is particularly good for American agriculture, whose success is heavily dependent upon the export market. Currently, 99 percent of Peruvian agricultural exports enter the U.S. duty free, again, 99 percent, while U.S. agricultural exports currently face an average tariff in excess of 16 percent.

Under this trade agreement, two-thirds of American agricultural exports will immediately enter Peru duty free, including beef, cotton, wheat and soybeans. And beef is particularly important to many of my constituents in the 5th Congressional District of Texas.

□ 2200

I simply don't understand the argument that claims that this trade agreement is somehow unfair. What's unfair is the status quo. That's what is unfair. The U.S.-Peru Free Trade Agreement turns what is currently a one-way trade street into a two-way street. And let's remember again, 98 percent of their goods already come to our country duty-free.

Mr. Speaker, competition works. Trade works. We have over 200 years of history to prove it. But beyond all of the obvious economic benefits of free trade, we must recognize that fundamentally this is an issue of personal freedom. Nations don't trade with nations, people trade with people. And with the exception of national security considerations, every American ought to have the right to determine the origin of the goods and services they want to purchase, and that includes a sweater made in Peru. Who in this Chamber is going to go tell a hardworking schoolteacher in Mesquite, Texas: No, you can't buy that $15 sweater from Peru, you have to buy that $31 sweater that is made in Oklahoma. That is the sweater you have to buy. And if you can't afford it, I'm sorry, but your little child is just going to have to do without that sweater.

Mr. Speaker, maybe this institution has the power to do that, but does it have the right? I don't think so, Mr. Speaker. This is the land of the free. Countless generations have fought and sacrificed for the blessings of liberty, and that includes the liberty of trade. To be anti-trade is to be anti-freedom. It's that simple.

Mr. Speaker, we have 200 years of history to show that America has benefited from free trade. We need to support this trade agreement.

Mr. RANGEL. Mr. Speaker, I would like to recognize the gentleman from New Jersey (Mr. PASCRELL) who is not only one of the best informed members on the Ways and Means Committee on trade, but he has done a heck of a job around this country explaining why this particular free trade agreement is good for America and good for our trading partners, for 3½ minutes.

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

Mr. PASCRELL. Mr. Speaker, this is a great day. Tomorrow will be a great day, also. I have finally found a trade agreement I could agree with. And the reason why, for the first time, Members from both sides of the aisle have had a say in what that is. Article I, section 8 is alive and well.

I want to tell my friend from Texas, I'm sorry he left the floor, this is the United States-Peru Trade Promotion Agreement Implementation Act. This is not the United States-Peru free trade. See, that got us into trouble. I want to just correct him that we have the right title because free trade is what got us into trouble. We need fair trade. That's what this legislation is all about.

So I rise in strong support of H.R. 3688. This is a bipartisan bill. This is a carefully crafted measure that deserves broad support.

There is not a single group that I have dealt with recently who hasn't said, and I have sat with all of them, at the very least that real progress has been made in the Peru deal. Even the most vociferous opponents, who may be in this room right now, of this trade deal state clearly that noticeable achievements have, indeed, occurred.

The new provisions on workers rights and the environment represents significant accomplishments in crucial areas. And for that, Mr. RANGEL and Mr. LEVIN, Democratic leadership should be commended, and I salute you both.

You don't protect good-paying American jobs by freezing trade. You don't do it that way. You don't correct the imbalances in trade by stopping trade. For the first time in a trade agreement, we finally have fully enforceable obligations that require both FTA parties to adopt and effectively enforce core labor rights as stated in the 1998 ILO declaration.

By the way, my friends who oppose this legislation, take a look and put this in context. Since 1934, both parties have gone back and forth as to who believes in free trade more. Both parties. Neither party is privy to virtue on this issue of trade. Let's get that straight.

If you look back into the 1960s and 1970s, the same situation. Democrats were on this floor pointing fingers at the opposition saying: We need free trade. We need trade that is unbridled.

Check the record. Check the record.

And then we had just the opposite happen after Jimmy Carter became President. I believe that trade can yield broad benefits to many if done right. My belief is that trade agreements have been ill-conceived and crafted clearly not with the best interests of working families. I have voted against all of them. But this is a good one.

This trade agreement marks a significant step forward. The enemy of the good is the perfect. And while this trade agreement may not be perfect, and by the way no one on this floor is, no bill is. This is a good piece of legislation.

Mr. Chairman, I salute you. Mr. Ranking Member, I salute you. You've done a great job.

Mr. HERGER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I want to thank my great colleague for yielding to me. And let me just say, Mr. Speaker, that I am unalterably against this deal because I think it doesn't fix the basic defect that we have seen in every trade deal that we have made in recent years. That defect is, as most of my colleagues know and understand, that the competitors to American businesses get their value-added taxes rebated to them by their home governments and they in turn charge us what effectively is a tariff in the same amount as that value-added tax when our products go to their country, and we didn't change this in this Peru Free Trade Agreement. It's not really free trade, it's only free coming in one direction, and that's our direction.

Let me explain that very simply. If this podium costs $100 and it is made in Peru and it is going to be shipped to the United States, their value-added tax is 19 percent. That means that as they build this podium in Peru, as they add wood and metal and labor, they pay their government 19 percent value-added tax. That is how they pay their tax burden. We have a direct tax burden known as an income tax and a corporate tax.

When they take this particular podium down to the docks to be shipped to the United States, the Government of Peru will give them their money back. They will rebate their taxes to them. Effectively that company will be working tax-free.

Now, if you made the other podium in the United States and we shipped it to them under this deal, when that podium gets to Peru to be sold on their showroom floors, the American manufacturer will face a 19 percent fee or tariff. So the Government of Peru under this deal will be allowed to subsidize their guys to the tune of 19 percent and penalize our guys to the tune of 19 percent.

Let me just say this is an unfair deal. This is the reason why America has massive trade deficits even to countries that have higher labor rates than the United States. Until we fix that basic defect, all these trade deals are bad deals and they accrue to the detriment of the American worker and the American businessman.

Vote ''no'' on this. And I regret I will not be here tomorrow. I have to be away from the floor. I wish the vote could have been held tonight. This is a bad deal.

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

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

Mr. RANGEL. I would like to yield 2 minutes to Mr. BECERRA, an outstanding member of the House leadership as well as an outstanding member of the Ways and Means Committee, and I thank him for all the fine work he has done.

Mr. BECERRA. I thank the chairman and also the ranking member, Mr. MCCRERY, and Mr. HERGER, the ranking member of the subcommittee, as well as Mr. LEVIN for the work that they have done to put before us a bill that we can support in a bipartisan fashion.

I think the gentleman from New Jersey said it best: There is nothing in life that is free. The longer we continue to talk about trade agreements as if they are free, we miss the mark. It is not about a free trade deal, it is having a deal that is good for both sides of that agreement.

And in this deal, while it is not perfect, we find improvements were made that for the first time in the history of this Congress will give us a chance to vote on something that says that we will treat workers as well as we treat widgets. We will treat people as well as we treat products. We will protect our workers as well as we protect these widgets. That is something we have never done before on the floor of this House. For me, that makes this deal worth voting for because while we would like to do much better, the perfect should not get in the way of making progress. Here what we have is a bipartisan deal that will move us forward.

It is difficult to believe, but in my first 14 years in this Congress, I saw us have a policy and debate on trade descend to the point where it became a partisan tool that made it very difficult for all of us as Americans who represent 300 million other Americans to come forward together.

This is a chance for us to work together not as Republicans, not as Democrats, but as Americans to move forward an agenda for the people who work in this country who produce so many of those goods, for the people who produce all of those phenomenal products that make this a great Nation. It is our chance to prove that trade is an American agenda, not a political agenda, not a partisan agenda.

I am looking forward to the chance to move forward even better trade deals that recognize that we have to protect and promote the rights of workers.

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

Mr. MICHAUD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RANGEL. I would like to yield 2½ minutes to Mr. CROWLEY who makes our New York State proud and makes the Ways and Means Committee proud and is a great Member of this great Congress.

Mr. CROWLEY. I thank my good friend and colleague and the Chair of the Ways and Means Committee which I so proudly serve on.

I want to thank all those involved in this debate this evening. This has been a very good debate and one that I think has been fairly conducted.

I think, though, it is important to look back on the historic nature of this particular agreement. I say that coming to you as one who has not been a purist on this. I have not been blind in voting for or against free trade agreements. I have looked at free trade agreements and I have weighed them and I have balanced them.

I want to remind my colleagues, some of whom are new and don't know who I am and what I am about, I did not support WTO for China. I did not support PNT for China. I did not support a number of the free trade agreements in the past. But when you look at this free trade agreement as I have, I support this fair trade agreement, this fair trade agreement, because it is the right thing to do.

This is a good agreement. It is worthy of the support of every Member of this House. On May 10 of this year, the chairman of this committee and the chairman of the Subcommittee on Trade, along with our Speaker, reached agreement on a new template moving trade forward in this Congress. You have to remember that the agreement with Peru was reached in the last Congress. The Peruvian government agreed to that agreement. We had a change in government. We adopted a new template. The Peruvian government took that template, reopened their agreement and passed it again this year.

They adopted the labor standards and the environmental standards. The

labor standards include freedom of association, the right to collectively bargain, elimination of forced and compulsory labor, abolition of child labor, and elimination of employment discrimination, not to mention the advancements we have made in environmental protection. They are not just environmental and labor rights, they are part and parcel with human rights.

□ 2215

They are part of their rights and the values of our country that we'd like to have.

Now, just briefly on Peru. Peru has been a country that has been developing, and this is an opportunity for them to develop a middle class, a stronger middle class that will want more of our U.S. products.

As we mentioned earlier, they already have duty-free and quarter-free access to the United States. This is about opening up their borders to what we make.

Once again I want to thank the chairman for your hard work, Mr. LEVIN as well, the Speaker and the other side of the aisle for this joint effort that's been made in a bipartisan way. I wholeheartedly support this agreement.

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

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

Mr. RANGEL. Mr. Speaker, I have six speakers and it just seems to me that if other people are reserving their time, then I yield 2 minutes to the gentlelady from Pennsylvania (Ms. SCHWARTZ), who not only served well on the committee but was a part of the team that went to Peru with Congressman LEVIN to make certain that we were able to convince the President, the corporate leaders and the Congress that America was their friend and wanted to do the right things. It is with great pride that I yield 2 minutes to the gentlelady.

Ms. SCHWARTZ. Mr. Speaker, I thank the chairman for his kind words.

I rise in strong support of the Peru Free Trade Agreement which passed the Ways and Means Committee with an impressive unanimous vote. This agreement represents a new direction for trade policy in the United States.

For the first time, the trade agreement before us includes fully enforceable labor and environmental standards. The lack of these standards was exactly why many Democrats, including myself, opposed the Central American Free Trade Agreement in 2005.

Inclusion of such standards is a significant achievement and will mean better working conditions for Peruvian workers, a cleaner environment in Peru, and expanded economic opportunity for both of our countries.

That is why so many organizations who were previously opposed to bilateral trade agreements have praised the Peru FTA. For instance, the AFL–CIO called the Peru FTA, ''an important step toward a trade model that will benefit working people.''

The United Auto Workers said the agreement represents, ''substantial progresses in achieving this long-standing objective of the labor movement.''

Chairman RANGEL and Chairman LEVIN did remarkable work to advance a new kind of trade agreement. I'm proud of what we were able to accomplish to further this agreement when the three of us traveled to Peru in August and met with Peruvian President Alan Garcia.

President Garcia is a true friend of the United States. Building a strong economic relationship with Peru will also build a stronger political and diplomatic relationship with this important ally in Latin America.

Every Member who votes for this agreement can feel proud that they've supported a trade agreement that represents the interests of Americans.

I urge a ''yes'' vote on this agreement. It's pro-worker, it's pro-business development, and it's pro-environment. It is a new kind of trade agreement for the United States. Vote for the trade agreement with Peru.

Mr. HERGER. Mr. Speaker, could I inquire how much time each side has.

The SPEAKER pro tempore. The gentleman from California (Mr. HERGER) has 29½ minutes left tonight. The gentleman from New York (Mr. RANGEL) has 12¼ minutes left this evening. The gentleman from Maine (Mr. MICHAUD) has 22 minutes left this evening. I deducted 5 minutes, 5 minutes and 10 minutes to get to those numbers.

Mr. HERGER. Mr. Speaker, I reserve.

Mr. MICHAUD. Mr. Speaker, before I yield to the gentlelady from California 5 minutes, I'll take 20 seconds to make very clear, there's not one labor organization that has sent a letter out saying that they support this trade deal. They don't support this trade deal, and to cherry-pick some of the language in the letter that they've sent I think is not correct.

Mr. Speaker, I yield 5 minutes to the gentlelady from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong opposition to H.R. 3688, which would implement the U.S.-Peru Trade Promotion Agreement.

This is not a choice between trade and protectionism. It's a choice between fair trade, which can benefit working families across the Nation, and unfair trade, which benefits the wealthiest few at the expense of the rest of us.

While there are some welcome, but minor, improvements to the Peru FTA, as compared to NAFTA and CAFTA, the agreement essentially is not good enough. I feel like I'm at a used car lot and the dealer is trying to sell me a beat-up old NAFTA lemon with a brand new paint job and trying to tell me that it's a great car.

Well, we learned with NAFTA that there are no refunds for the American people when they're sold a bad bill of goods. Let's learn from our mistakes and reject this Peru FTA junker.

To serve the American people, we must work for real trade reform, not just put a Band-Aid on a trade model that has been bleeding jobs from this country since 1994.

Supporting this new deal requires us to believe in two things: one, the actual benefits of the NAFTA free trade model; and two, the promises of the Bush administration.

Considering the first question, the actual benefits of the NAFTA model are about as real as the tooth fairy. NAFTA was supposed to solve illegal immigration by developing a robust economy in Mexico that would give hardworking people the opportunity to provide for their families without having to leave their homeland behind. That didn't work.

Instead, undocumented immigration has actually increased. Subsidized crops from the U.S. pushed millions of farmers off their land, and many of those displaced farmers ended up emigrating to the United States, whether or not they had proper documentation, just so they could find work to support their families.

CAFTA, another so-called improvement on the NAFTA model, was supposed to include bold new safety and wage protections for workers. But these protections are disappointingly weak, allowing countries to downgrade their own labor laws.

We've learned that the NAFTA free trade model is designed to favor the wealthiest few and corporate bottom line, at the expense of small businesses, workers, families and our communities.

As to the second question, I think this administration has made it pretty clear that it has no interest in enforcing labor laws.

The BP Texas City explosion, the Sago and Crandall Canyon mine disasters, and the failure to protect 9/11 first responders and cleanup workers who have developed serious breathing ailments, these are just a few of the more notorious examples of this administration's dereliction of duty to provide even the most basic protection to workers: the right to work in a safe environment.

So long as we have to rely on this administration to protect the rights and safety of working men and women, we will continue to be disappointed.

To some in this House, the only redeeming value of this trade agreement seems to be that it's not as bad as the deals with Colombia and Korea. But that argument misses the point. When they say ''not that bad,'' we have to stand up for the American people and say ''not good enough.''

Finally, the Peru FTA offers inadequate protection for numerous endangered species that live in the forest of Peru, like the giant river otter and the jaguar. If it's such a great agreement, why has no environmental group gone

on record as supporting or embracing this agreement. I ask my colleagues that and I don't think they have an answer.

Let me just remind my colleagues that I've heard over and over on the floor tonight that the enemy of the good is the perfect. Well, from where I sit, the enemy of the good is the bad, and this is a bad agreement.

We now have a choice before us. We should choose to vote ''no'' to a nondemocratic process, ''no'' to benefiting big business at the expense of the little guy, ''no'' to ignoring the will of the American people, and ''no'' on the Peru FTA.

Mr. HERGER. Mr. Speaker, I reserve the remainder of my time.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Alabama (Mr. DAVIS), an outstanding member of the Ways and Means Committee and thank him for the support that he's given to us on all of our issues.

Mr. DAVIS of Alabama. Mr. Speaker, let me make two points, if I can, about this agreement tonight.

Almost everyone on the Democratic side of this Chamber has at some point in time in the last 7 years had some point to decry the Bush administration's tendencies toward unilateralism. Almost everyone on the Democratic side has had some occasion to say that we wish the Bush administration would abandon its tendency to go it alone in this world.

If we take that rhetoric seriously, Mr. Speaker, if we take seriously the idea that we cannot dig ourselves into a barricade and isolate ourselves when it comes to national security, the same logic has to apply when it comes to economics.

I fundamentally disagree with Mr. JONES's point earlier that the U.S. is in decline. We're not in decline. There's nothing wrong in this country that better policies in the White House would not fix. Because we're not in decline, because of our underlying strength and underlying robustness, we ought to be using the economic power that we have to lift up workers here and to see what we can do to lift up workers around the world, and that vision is exactly what this agreement is about.

Second point, Mr. Speaker, the template for this agreement was not written by this President or this USTR. It was written by CHARLIE RANGEL, the chairman of the Ways and Means Committee; co-signed by SANDY LEVIN, one of the strongest supporters of labor in this Chamber; and co-signed by the Speaker of the House who yields to no one in her support of organized labor. This is the template and the vision that the Democratic Caucus constructed.

And I hear some of my friends on the Democratic side of the aisle who say, well, we don't count on enforcement from the Bush administration. I don't. I count on the fact that beginning January 20, 2009, there's going to be a new sheriff in town.

I close, Mr. Speaker, by saying this. This agreement will be enforced by a new Democratic President of the United States. It will reflect Democratic values and sometimes, Mr. Speaker, principled leadership requires taking ''yes'' for an answer.

This agreement and the foundations around it are what this Democratic Caucus has been seeking for 5 years. Sometimes you have to take ''yes'' for an answer.

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

Mr. MICHAUD. Mr. Speaker, I reserve.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished Member from the State of Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, in this debate tonight, it's almost like we're having two conversations. There's the conversation about the trade agreement and there is the conversation about larger economic issues, from environment to jobs to a whole lot of other issues.

On the Peru Free Trade Agreement, Mr. RANGEL and the Ways and Means Committee have done a great job of putting together a good agreement. It negotiates a reduction in tariffs and nontariff barriers to help us economically, and they've also added in labor protection, which we never got. I voted personally against CAFTA because they hadn't been included. As Mr. DAVIS just said, those agreements are exactly what those of us in the Democratic side of the aisle have been asking for for a long time.

But the issues that are raised tonight are about the economic challenges in this country, about jobs lost and transitions. And I totally agree with the people who raised those issues, that those are important issues and incredibly difficult challenges for middle-class workers in this country and for the working poor that we have not addressed.

Where I disagree with them is the convenient take of simply blaming trade agreements for that. Trade agreements simply reduce tariffs and nontariff barriers so that the cost of doing business goes down.

Now, if we have made any mistake on the pro-trade side of the aisle, it's overselling that. It's presenting it as a panacea that will grow the economy and benefit everyone and cause no pain. They can't solve that problem. The trade agreement can't solve all of the challenges that are presented for poor workers throughout the world. It's a step forward.

We have lost jobs in this country because of global competition and technology primarily, not because of trade. The rest of the world stepped up and decided to participate in the economy. China, the former Soviet Union, countries that were never there before, now they're there. They're competing and we're losing jobs.

But it is a mistake both to blame trade and to not focus on the issues that could actually help: health care, a fairer tax policy, issues I know that the chairman is working on, issues that would actually help workers in this country instead of laying it all at the feet of the Peru Free Trade Agreement, an agreement that simply reduces tariff and nontariff barriers to free up the flow of goods and help grow the economy.

It's a good agreement, and we should support it.

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

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

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished Member from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the chairman for yielding and I also commend Chairman RANGEL for his work on this agreement. I think it represents a great step forward on the trade agenda.

Mr. Speaker, I think that it's human nature to have difficulty accepting change. Change can be traumatic, and we are in a world that's changing. In a globalized world where technology is taking us to new places, this flatter world that Tom Friedman talked about in his book, that's a change. The question is, do you stick your head in the sand and ignore change, or do you embrace change and try to take advantage of it?

That's the fundamental issue I think we ought to be talking about in terms of engaging the rest of the world, engaging the rest of the world in economic opportunity in a changing world. Mind you, globalization is a mixed bag, and there are positives and negatives that come out of it, but the question is, as a country, do we want to try to embrace that opportunity?

This agreement represents a wonderful step in embracing that type of opportunity for this country. Beyond the economic benefits, which a lot of speakers have talked about today, there are also the benefits of relationships with these other countries. The eight living former Secretaries of State have all encouraged Congress, in fact, urged Congress to move ahead with this agreement, to build better ties with the country of Peru, a good democratic friend in a region of the world where there are some unsettled countries. This is good policy in terms of how we have those relationships in South America.

I encourage my colleagues to step away a bit from some of the rhetoric, as with many issues, that comes out that is not necessarily accurate. I encourage my colleagues to look at the substance of this agreement and see how Chairman RANGEL has made such progress in coming up with a responsible new agenda for trade with this Democratic majority.

As I started, I will close the same way, I commend the chairman, he has stepped up to the plate in a substantive way. He is moving forward.

I urge passage of the Peru FTA.

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

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

Mr. RANGEL. I yield 2 minutes to the outstanding gentlelady from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I rise in support of this agreement.

I commend Chairman RANGEL and Chairman LEVIN as well as Ranking Members MCCRERY and HERGER for their important leadership on this issue.

I am encouraged to see bipartisan support of the U.S.-Peru Trade Promotion Agreement which recognizes the opportunity to expand potential to 5,000 small and medium U.S. companies that export almost $800 million of goods and services to Peru. These small and medium businesses represent 80 percent of U.S. exports to Peru. They will have an even greater opportunity with this agreement to compete on a more level playing field.

The current Andean trade preference allows Peruvian exporters access to our markets without tariffs while our own exporters are competitively disadvantaged by tariffs. Americans need not fear competition. When we remove barriers, we will innovate, we will adapt, we will compete, and we will succeed in the global market. For those who are rightfully concerned about jobs, we should remember that our small and medium businesses, these same businesses that export to countries like Peru, are creating 80 percent of our domestic job growth.

American employers will now have the ability to fairly compete to expand and enter new markets and, in the process, further strengthen our local and our national economies. I urge my colleagues on both sides of the aisle to support this agreement.

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

Mr. MICHAUD. I would like to recognize for 5 minutes a very outspoken, hardworking, freshman Member, Congressman HARE from Illinois.

Mr. HARE. I thank the gentleman.

Mr. Speaker, I think tonight on three occasions or maybe four, we have heard, we need to put a face on trade. I encourage all the Members, here is the face. It is the face of a refrigerator in Galesburg, Illinois, manufactured by 1,600 machinists, signed on the last day before their jobs were exported to Sonora, Mexico, thanks to a trade agreement that didn't work.

This, my colleagues, is the face of people. This trade deal, while I commend the framework of it, puts the sheriff, as we have been hearing, the President of the United States, in charge of it. I sit on the Education and Labor Committee of the House. We have had three mine disasters. The President won't do a single thing to protect our miners. He won't sign the Employee Free Choice Act to give people a right to collective bargain for it. He will not stand up for America's workers. He has had to be sued by our own government for one OSHA standard.

Tonight we stand here ready to give this President oversight on this trade deal. I have been told, well, we'll just subpoena him. We're trying that. We're trying that with the legal counsel for this President and Josh Bolten. We'll see how far that gets us.

I take offense, to be honest with you, when people say you won't vote for any trade deal if you can't vote for this one. Let me say I'll vote for every trade deal, as long as it's fair, as long as it works for American workers, as well as the people that we seek to trade with.

How much longer are we going to continue to do this? Fifty-four percent of Republicans polled don't support this agreement. Almost 70 percent of Democrats don't support it, and 60 percent of Americans don't.

I ran on this issue. I am the product of a person whose dad lost their home, not because he did anything wrong, but because he lost his job. He made me promise two things, take care of your sisters and your mother, this is shortly before he died, and do not, whatever you do, PHIL, for a living, do not allow this to happen to another family.

I may only be in this Chamber for one term. I don't know. I ran on this issue. I stand on this issue. I'm proud of my voting record with this Democratic Caucus. I take a back seat to no one in party loyalty. But my first loyalty comes to the people who signed this refrigerator. I have no loyalty to the President of the United States when he has no loyalty to the people whose jobs he outsourced.

I tried to get an amendment before the Rules Committee that would say if you can get a free trade agreement, fine, but let's get the safety net for workers, one this Chamber passed that Mr. RANGEL worked so hard on, whom I give him a ton of credit for.

Let me tell you what happens. The next day he says he's going to veto it. He won't insure 10 million children, he won't sign a safety net for workers, and we are going to pass tomorrow a trade agreement and expect this President to enforce it. Let me ask you all tonight not to be looking at us as though we are naysayers. We're not.

I would love to put my card in tomorrow and hit the green button, but I will not, because if I do, I will not come to back to this Chamber. I don't deserve to come back to this Chamber.

I ran to support these people. I have heard the term ''protectionism'' used this evening. If all of us, Democrats, Republicans, left, center and right are not going to stand up for the very people who sent us here, who are we going to stand up for? What are we as Members of Congress?

I ask you, tomorrow is a very big day. I guess I'm voting ''no.'' I don't guess, and I told two people today, I do so proudly. I wish I didn't have to. But I will remember Dave Bedard, who has been unemployed now after two wage concessions, no health care, a wife who has cancer.

One Member who is supporting this deal told me that I should go back to Dave Bedard. And when I said, what should I say to him, that Member said, You should talk about currency manipulation with him.

I should need a football helmet. He's going to punch me in the nose if I try.

Vote ''no'' on this bill.

Mr. Speaker, I rise in strong opposition to the Peru Free Trade Agreement and the implementing legislation before us today.

Mr. Speaker, my fight against the Peru FTA is a personal one. Districts like mine represent the very worst of unfair trade—jobs lost, economies devastated, and lives shattered. In 2004, the Galesburg Maytag Refrigeration plant relocated to Sonora, Mexico, leaving behind 1,600 unemployed workers—all innocent victims of bad trade policies.

On their last day, all the workers who were laid off signed the final refrigerator to roll off the assembly line. The inscription on the fridge reads, ''The last top mount refrigerator produced in Galesburg, Illinois with pride by the members of IAM Local 2063, September 14, 2004.'' Although devastated, the pride and spirit of these workers remained strong—a testament to the incredible workers we have in this country.

This year marks the 5th anniversary of Maytag's announcement that it would be closing its Galesburg plant. Five years later, the city of Galesburg is still recovering from the loss of Maytag and many of the workers are still unemployed.

Unfortunately, the economic nightmare Galesburg has endured is not unique. NAFTA outsourced a total of 1 million U.S. jobs nationwide with casualties in every state.

Mr. Speaker, unfair trade is not just a Midwest issue, it is a national crisis.

Weary of more bad trade deals, last November voters swept fair trade Democrats into office—sending a clear mandate for a new direction on trade.

And yet here we are. Voting on another one-sided, so called ''free trade'' agreement crafted by the Bush administration under fast track authority.

President Bush's use of fast track has been nothing but a blatant abuse of power. It has allowed him to force through 4 trade deals built on the flawed NAFTA–CAFTA model, one of them being the Peru FTA we are currently debating.

And we all remember what was left behind from NAFTA: the decimation of the U.S. manufacturing industry and the loss of high paying jobs. One must look no further than Galesburg to see what the future holds for American jobs if the Peru FTA is passed.

We can also expect the Peru FTA to benefit big business, similar to NAFTA. If this agreement is passed, one thing is certain, the rich will continue to get richer at the expense of the average, hard-working American.

Some who support the agreement will say that the Peru FTA is not NAFTA. They will say that the inclusion of labor and environmental standards set it apart from all former trade deals. Not so fast.

With President Bush's poor track record of enforcing labor rights, it remains to be seen

whether these improvements will have any affect at all. In fact, the President of the U.S. Chamber of Commerce has said that he is ''encouraged by assurances that the labor provisions in the [Peru agreement] cannot be read to require compliance with ILO Conventions.'' We should be more than skeptical.

Moreover, just today the Peruvian government declared a strike by national miners illegal. So much for real reform.

In short, without the threat of enforcement, our trading partners, including Peru, have no incentive to uphold international labor standards.

Mr. Speaker, the truth is that the proposed Peru FTA would replicate—and in some instances expand on—many of the most devastating provisions of the flawed NAFTA–CAFTA model.

Despite ''fixes,'' the Peru FTA is nothing but a wolf in sheep's clothing.

The choice is crystal clear.

Today, Congress can choose to roll the dice when it comes to the loss of American jobs or we can choose to demand an agreement that bans off shoring.

Today, we can choose to entrust President Bush with enforcing labor and environmental standards as we did with the Jordan FTA or we can choose to accept that these standards will likely be ignored in Peru, just as they are in Jordan.

Today, we can choose to give big business another win or we can choose to stand with American middle class families.

Today, Congress can choose to expand the failed NAFTA–CAFTA model to Peru or we can choose to pursue a new trade policy.

I for one cannot go back to my district and explain that I voted for another bad trade deal that in all likelihood will result in more job loss.

I cannot in good conscience face the 1600 Maytag workers who lost their job and tell them that I voted to continue the hemorrhaging.

I came to Congress because I believe in fair trade that creates jobs and raises the standard of living for middle class families. I believe in keeping America competitive. But in my opinion, the Peru FTA does not pass the test.

For the sake of all workers, I will be voting NO on the Peru FTA. I urge my colleagues to do the same.

It is time that our trade policy starts serving the interests of America's working families.

Mr. HERGER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, a member of the Ways and Means Committee, a very distinguished and active member of the Trade Subcommittee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, I see faces of trade myself. I recently did a tour of our manufacturing plants. We have over 300 of them in the Eighth Congressional District of Texas from steel mills to paper mills. I watched the workers on those lines working every day to produce those products. Between one-third and one-half of those products are made for sales overseas.

What they find is that when they try to compete around the world, they aren't allowed to compete. America is so open for every product from every country. But when we try to sell our products and our goods, what we see are America need-not-apply signs all throughout this world.

Our trade policy is to tear down those signs, to give those workers in my plants a chance to sell their products around the world. There is a principle applied to the trade that we deal with today. The principle is, if you or I build a better mousetrap, we should be free to sell it throughout the world without government interference. If someone else builds a better mousetrap, we should be free to buy it for our family or for our business, again without government interference. That freedom to buy, to sell and to compete our products and our skills is an important economic freedom.

This trade agreement opens Peru's market, gives us the freedom to sell our products and goods into that country, for our agriculture community, for our manufacturing workers, and for our service community. As importantly, it reaffirms America's long-term commitment to both growth and prosperity here and at home in Latin America.

This agreement is important because for the first time in a long time, America is speaking as one voice on trade. Republicans and Democrats, this Congress and the White House are speaking as one voice to level the playing field for our farmers and our workers around the world. We are going from one-way trade to two-way trade.

These free trade agreements that we have with 14 to 15 countries are working. Today, they are only a small part of the world market, yet they buy nearly half of what my workers and America's workers export around the world. We are seeing growth in sales, growth in services, growth in products, and good-paying jobs in America.

One of the key points today is Peru is a great trading partner and they have been for 16 years. They have one of the most dynamic emerging economies in the Americas. They have instituted democratic reforms, they have decreased poverty, and they have improved their labor and environmental standards significantly. Why would we turn our back on a country and a partner like Peru?

It is time to go from a limited partnership of preferences to a full partnership of free trade with the country of Peru. Tonight I heard people say, well, the Peruvians don't support this. The workers don't support this.

How arrogant. The Peruvian Congress has twice voted overwhelmingly to ratify this agreement. They elected a President based on his support of this trade agreement. Their leading lawmaker's party ran on supporting this agreement. How arrogant it is for us to talk about Peru when their own elected leaders support this agreement.

It is important, not just about jobs for America, not just about jobs in Peru, it is important we remain engaged in Latin America. There is a reason why eight of our living Secretaries of State have implored this Congress to stay engaged. Now is not the time to build walls to Latin America. Now is the time to build bridges.

Now is the time to continue to stay engaged as countries like Peru reject the influence of Hugo Chavez and embrace democracy and free speech and the rule of law and labor rights and human rights. They are doing the right thing. We ought to be reaching out and responding more to them.

I will make this point. America does create jobs through trade. In 1995, when NAFTA first took effect, our economy was less than $7 trillion. Today it is more than $13 trillion. Back then we had 115 million people working in America. Today we have over 140 million people working in America.

Trade creates jobs, and look at the top 10 trade States whose jobs are dependent upon our sales: Texas, California, New York, Washington, Illinois, Michigan, Florida, Ohio, New Jersey, Pennsylvania, all the top 10 States whose jobs are directly related to exports. Then we have the heartland States of agriculture and the high tech States throughout the country, all of which depend upon us opening new markets, tearing down that sign, and creating jobs. This is an agreement worth our support.

Mr. RANGEL. I would like to yield 2 minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I rise today to encourage my colleagues to support the Peru Trade Agreement. But first I want to thank Chairman RANGEL for the leadership, for providing a very balanced approach to trade here in the United States. Thank you, Mr. Chairman.

The objectives of the Peru Trade Agreement are two. One is to provide a substantial access for U.S. exports, and number two is to promote political stability in the western hemisphere and to strengthen U.S. national security.

Let's look at the purpose of a free trade agreement. The purpose of a free trade agreement is to lower tariffs.

□ 2245

But let's look at the current situation we're in. Right now, currently, 98 percent of the U.S. imports from Peru enter into the United States duty free under the most favored nation tariff rates and various preferences programs, including the Andean Trade Preference Act, the Generalized System of Preferences, GSP, and the Caribbean Basis Initiative. It is a one-way street where those imports come into the United States.

Upon implementation of this Peru trade agreement, 80 percent of all U.S. goods entering Peru will be immediately duty free, and the remaining 20 percent of goods will have the tariffs removed over the next 10 years. So what we're doing by this trade agreement is to make it into fair trade, into a two-way street. It's a one-way street coming in the United States, and what we want to do is make it two ways so

we can also have more exports and, therefore, make sure that we have a trade surplus with Peru.

The passage of this agreement will continue to remove barriers of trade of the Andean region and send a clear message to other nations that the establishment of democratic rights, the removal of restrictive tariffs, and the opening of markets to free trade will net positive results.

Peru is a market of almost 30 million people, and this presents opportunities for the U.S. businesses that they currently do not have at this time.

Although comprising 7.5 percent of the global, this will open up trade.

And I thank again, Mr. Speaker, the chairman for providing this legislation.

Mr. HERGER. I reserve.

Mr. MICHAUD. I reserve.

Mr. RANGEL. How much time do I have, Mr. Speaker?

The SPEAKER pro tempore. You have a total, Mr. RANGEL, of 7¼ minutes, which means to preserve your 5 minutes for tomorrow you have 2¼ minutes left this evening.

Mr. RANGEL. Well, I am the last speaker, so whatever they want to do they can do. I may have to ask my friend on the other side for a minute or two to close, but I may not. So why don't I reserve and see what happens.

Mr. HERGER. I reserve my time to close as well on our side.

The SPEAKER pro tempore. And so, as I understand this current situation, Mr. RANGEL will use his 2¼ minutes to get down to 5 minutes. Reserve 5 minutes.

You will close and then yield all your time back except for 10 minutes for tomorrow.

And it now falls to you, the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. So if I understand you correctly, for debate purposes this evening, the gentleman from New York has 2¼ minutes.

The gentleman, how much time does he have this evening?

The SPEAKER pro tempore. He has a total of 34½ minutes left, and take off 10 minutes, so he has 24½ minutes left this evening.

Mr. MICHAUD. 24½ minutes.

Do you have any additional speakers?

Mr. HERGER. Just myself to close on our side.

Mr. MICHAUD. Okay. Well, I would now recognize an outstanding freshman Member in the 110th Congress, the gentlelady from Ohio (Ms. SUTTON), who's done a great job on trade issues. I yield her 6 minutes.

Ms. SUTTON. Mr. Speaker, just over 11 months ago I arrived in these hallowed Halls as a Congresswoman representing the people of Ohio's 13th Congressional district.

During my campaign, and now as a Member of Congress, I have spoken with workers and their families in Akron and Lorain and other communities throughout northeast Ohio. And let me tell you about these proud, hardworking people who I am so honored to represent. All they really want is a government that works with them, not against them. They want a good job that will allow them to care for their families, put food on the table, and help them send their children to college.

And one of the many things that they understand very clearly is that our global trading system is broken, and our workers, and our businesses, our farmers, and our communities are being left at a devastating disadvantage.

In Ohio, we have lost over 200,000 manufacturing jobs since 2001, and that means a lot of families are suffering. And last November, my constituents and the American people across this country, they cast their ballots seeking a new direction on trade. And that's why it is so important that this Congress understand the connection between what we do here today and the impact that will have not only on people's livelihoods, but on their beliefs and on their ideas about what we stand for.

Mr. Speaker, people seldom look very hard for things they don't want to find. But Members of this esteemed body should not be so blinded by their yearning to support trade to not recognize the realities of its harmful effects on our families and communities.

Mr. Speaker, it may be easy to say that our current trade policies are working when you've not talked to families in Akron, looked into the eyes of their children, or walked down the streets in Lorain.

It may be easy to think that our broken system is benefiting our Nation's businesses when you ignore the voices of small businesses in Barberton and Elyria. And it may be easy to think we should continue down a crumbling path when you drown out the concerns of workers in Brunswick and Strongsville and Cuyahoga Falls.

But I learned, as we all do when we're young, that if something is broken, you fix it. You really fix it. If something no longer works, develop a new product that fits your needs and allows you to move forward. That's what we need to do with our trade policies. But, unfortunately, that's not what is happening here.

Mr. Speaker, the same promises that have been used over and over and over to justify passage of free trade agreement after free trade agreement are being heard here again tonight. Some are pleading that this is an historic breakthrough, and oh, how I wish that that were so. But it is not. And saying it is does not make it so.

It's clear that our current trade policies are not working, despite the same past promises made. We see this in the reality of a nearly $1 trillion trade deficit, tainted imported food and products, currency manipulation, illegal subsidies, offshore jobs, and devastated families and communities.

Mr. Speaker, we could develop a new model that addresses these issues and puts American workers and businesses in a position to compete on a level playing field and truly raises the standard of living for those in other nations, but, unfortunately, the Peru FTA fails to do this. It locks in problems with food safety, procurement, Social Security privatization, among others. And most importantly, we know very clearly it will not be enforced.

Just look at one of the agreement's strongest supporters, the U.S. Chamber of Commerce. They were very encouraged that the labor provisions in the bill could not be read to ''require compliance.'' And today, in The Washington Post, we learned from the Columbia law professor, Mark Barenberg, that the Peru FTA actually imposes lighter sanctions for labor standard violations than current trade law requires. Now, proponents will say that's not true. But that's what Columbia Law Professor Mark Barenberg says. The Peru FTA actually imposes lighter sanctions for labor standard violations than current trade law requires.

So, Mr. Speaker, what are we going to do today for my constituents and those who elected us to move in a new direction on trade?

What will be the true legacy of this historic Congress? Will it be our legacy to pass more harmful trade policies and trade agreements like the one before us? Or will it be a different course, one of fairness, one of justice, one that will allow our workers and business a truly fair playing field?

I urge a ''no'' vote on the agreement.

Mr. HERGER. I yield myself so much time as I may consume.

I'd like to begin by just mentioning the last speaker, the gentlelady from Ohio, the Independent International Trade Commission estimates that Ohio's exports to Peru will grow by some 38 percent. And that 38 percent is in such areas as machinery equipment, chemical products, transportation equipment, computer and electronic equipment and plastic and rubber products.

Mr. Speaker and Members, I wish to express my strong support for H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act. The Peru TPA will eliminate or significantly reduce Peruvian tariffs and address other trade barriers to U.S. goods. That Peru TPA also is an important means to promote democracy and stability in Peru and will further strengthen our relations with this strong partner of ours.

Today, nearly 6 months after reaching the May 10 bipartisan trade deal, we consider the Peru TPA on the House floor. I'm pleased for our farmers, ranchers, businesses, workers and consumers that this long-promised day is now a reality.

The Peru TPA will provide significant reciprocal market access benefits for these constituent groups. The International Trade Commission estimates that the Peru TPA will increase

U.S. exports to Peru by $1.1 billion. But U.S. imports from Peru will only increase by less than half that, or $439 million.

The ITC also estimates that the Peru TPA will add $2.1 billion per year to the U.S. gross domestic product. According to the Office of the U.S. Trade Representative, the Peru TPA's many benefits include the following: 80 percent of U.S. exports of consumer and industrial goods will be duty free immediately, and all remaining tariffs eliminated within 10 years.

More than two-thirds of U.S. farm exports to Peru will become duty free immediately, including beef, wheat, soybeans, tree nuts, such as almonds, and various fruits and vegetables, such as peaches.

U.S. services firms will have substantial market access across Peru's service sectors, with very few exceptions. Almost all U.S. exports of information technology products will be duty free immediately, and there will be important protections for U.S. investors, intellectual property rights, worker rights and environment.

In my home State of California, the Peru TPA will offer tremendous market opportunities for our exporters. In 2006, California's farmers and businesses exported roughly 180 million in goods to Peru, including computers and electronic machinery, metal products and agricultural products. The elimination of tariffs and other trade barriers will help support the nearly 20 percent of manufacturing jobs and roughly 135,000 agricultural-related jobs in California alone that depend on exports.

The Peru TPA will also lead to a more substantial and reciprocal trading relationship between Peru and the United States. The current Andean trade preferences given by the United States to Peru have been important to its economic development and stability, but they provide little benefit to the U.S. exporters.

Today, for example, 97 percent of Peru's exports to the United States are already duty free. But only 2.8 percent of Peru's tariff lines are duty free for U.S. exporters.

□ 2300

The Peru TPA will level this uneven playing field. Given the importance of the Peru TPA as well as the pending free trade agreements with Panama and Colombia, I was pleased to participate in a recent bipartisan fact-finding trip to the region led by U.S. Commerce Secretary Carlos Gutierrez. This trip underscored to me that the Peru TPA will move our economic relationship to a new level and help make us even closer strategic allies.

I want to close by reminding my colleagues that our work is not done today. The May 10 bipartisan trade deal was designed to pave the way for a new bipartisan approach to trade policy and consideration of all four pending FTAs, not just the Peru TPA. In fact, the May 10 deal amended all four pending FTAs, not just the Peru TPA. I urge the majority to now act on the commitments made with the May 10 deal and move the three pending free trade agreements with Colombia, Panama, and Korea.

We must not let this unique moment pass us by, especially when the E.U., China, and other countries are strengthening their trade ties in Latin America and Asia and threaten to pull ahead.

Mr. Speaker, at this time I would like to yield 3 minutes to my good friend the gentleman from New York (Mr. RANGEL). I want to thank the chairman, Mr. RANGEL, for your strong work and your leadership along with Chairman LEVIN of the Trade Subcommittee and the Democrat members on your side for working to have this bill come through the Ways and Means Committee with a unanimous ''aye'' vote. I commend you and for your many years of working in this area of fair trade.

With that, with the addition of the 3 minutes I yield, I yield back my time for this evening.

Mr. RANGEL. Let me thank my friend Mr. HERGER for the great work that he has done.

Mr. Speaker, as we wrap up this debate, I think that we have had tremendous success in what we have done because, regardless of which way the votes have come, isn't it wonderful, Mr. HERGER, that we do have a bill on the floor, that Republicans and Democrats are discussing it, and we broke this barrier that because of party label, people could decide how we felt about something?

And I have decided that we have a bigger job to do really than just talk about trade. I really think if the multinationals and the trade ambassadors and the Congress spent more time in feeling the pain of those people who were not the beneficiaries of trade, where people who worked hard for generations and life was always better for their kids and their grandkids, and how depressing it is to see all of that lost and the multinationals not bringing that technology and that innovation to our communities and our towns so that people could get their dignity restored. We have got to do a better job. And whether it's related to trade or whether it's not, when you're out of work and you've lost your dignity, what difference does it make?

And when you hear people say that they campaigned against trade, they campaigned against the indifference of our government to care about working people. They were campaigning against the spear because how could you possibly campaign against trade? You can't campaign against trade. You can't say everything we grow and everything that we manufacture, that we don't want someone to buy it. And you can't say that America can be as stable as it is. Somebody's working. Someone's doing well. But the people who campaign against trade are communities of people who are not doing well, and this country has not done well by them.

So we have got to make an appeal to the multinationals and to our government that they have to not sell trade where it's working; they have to sell trade where it is not working. Because, realistically, no one could have campaigned against the Peruvian agreement. It hadn't been decided. And if you campaign against trade, it's not realistic. But if you campaigned against making America strong and making certain that when you stamp an agreement, you see dignity in that agreement, you see a care for the environment, a care for workers, and you see a concern for those people who are going to be disadvantaged by that agreement. And if they are disadvantaged by anything even other than the agreement, which, as Mr. MCCRERY said, when we were told by the United States Trade Representative and she said, Mr. Chairman, you know, a lot of people are complaining about loss of jobs. It has nothing to do with trade. And Mr. MCCRERY said, What difference does it make? As long as they think it is, it's going to be very difficult to sell the question of trade.

So we've got a big job to do. This is only the beginning. And after you have said no, no, no to trade, we have to make certain that those towns come back. And I am not that good at projecting what's going on, but I was telling my dear friend JOE CROWLEY, I bet you that those who feel the strongest against the Peruvian agreement come from communities who have had a lot of economic pain, and those people who even think it was a bad trade agreement if they were doing good, they would allow a Member to make up their mind what they want to do. And so it means that we have got a long way to go but this is truly a beginning. We now have people expressing themselves and asking more from their government to help Americans that deserve better treatment than they have been getting.

The only thing that bothered me in the debate is the whole idea that the Speaker of this House and the members, Republican and Democrats, on this committee would bring forth a bill that they thought that Americans would suffer. It's one thing to differ with the contents of the bill; it's another thing to think that we are trying to sell CAFTA or NAFTA or bills that the Speaker has constantly been against. And speaker after speaker after speaker said that realistically if you take a look at Peru, how can it do anything except help us? How can it do anything that we're going to sell to them now, notwithstanding the tariff? Imagine how much more we can sell without the tariff? And when they sell, doesn't it mean that we're making it? If they're buying food, doesn't it mean we're growing it? And doesn't it mean in the communities that have it, we'll be doing well?

So let me thank the minority and let me thank the majority. It's been a great debate. Let's get on and say that this Peruvian bill is just the beginning of the cooperation we should expect.

Thank you, Mr. HERGER. And thank you, the majority.

The SPEAKER pro tempore. The gentleman from Maine now has the opportunity to utilize the rest of his time tonight. He has 6¾ minutes remaining this evening.

The gentleman is recognized.

Mr. MICHAUD. I thank the Speaker.

I urge my colleagues to listen to their conscience and constituents by voting against this bill.

I worked at Great Northern Paper Company for over 28 years. My father worked there for 43. My grandfather before him for 40. Three days after I got sworn in as a Member of Congress, the very mill I worked at decided to close its doors because of trade.

Trade is not just a policy. It's a face, a name, a job, a family. The debate is, when will we change the course of trade policy so it can benefit the American economy, the American workers, the American families? When will we finally change our direction on trade and adopt a policy that makes sense for America?

A ''no'' vote on Peru means we want a new direction in trade. A ''no'' vote means we are sick of watching our jobs go overseas. A ''no'' vote means we reject imports made by child and slave labor.

Supporters of this trade agreement claim that strong labor and environmental protections are included. Then why does labor not support this bill? Why do the environmental groups not support this bill? And why does the President of the United States Chamber of Commerce support this bill? He made it very clear that the labor provisions are unenforceable. Those are his words.

This agreement is still based upon the same flawed NAFTA–CAFTA model. The proponents like to say it's not. But if you look at the investment chapter, the core investment chapter language, there are very little changes in that chapter in the core investment.

Now is the time for Congress to take a step back and consider what policies on trade is the best option, not the quickest one or the easiest one or the most politically expedient one.

In 2006, the American electorate voted overwhelmingly for Congress to move in a new direction. This is a golden opportunity to create a new policy, one that will help our workers achieve their highest potential, one that will protect our environment, one that will increase the standards of living for all countries involved.

Earlier this year, the Peruvian labor leaders had sent a letter to the Democratic leadership, and it gets to the point that Congressman KUCINICH made earlier, urging Congress to reject this bad trade deal. They said if we have to accept it, make one change for us, and that has to do with privatization of Social Security. I would like to quote from that letter:

''By rejecting the Peru FTA, the United States Congress and the Democratic Party in particular can show the world that they can advocate in not only words but deeds.''

We have failed when it deals with the issue of globalization that was talked about earlier. We have failed to put on the President's desk the currency manipulation legislation. We have failed to put on the President's desk the value-added tax that we heard earlier this evening. We have failed to put on the President's desk legislation that will eliminate the tax haven. We have not made the USTR enforce these labor agreements.

The American people were not fooled about NAFTA. We heard a lot of the discussions during the NAFTA debate this evening about Peru. Over 3 million jobs have been lost because of NAFTA. Illegal immigration has increased partly because of NAFTA.

The American people will not be fooled about this trade deal. They will understand over time what this trade deal will mean to America.

It's important for this Democratic Congress to start looking at trade in a different light, to make sure that we have a trade policy that is fair, not only in words but in actions.

And that's why labor does not support this. That's why a lot of the environmental groups do not support this. But that is why the U.S. Chamber of Commerce supports this trade deal, because it's good for the large multinational corporations.

Right now, with this Democratic Congress, we have a chance to embrace globalization and make it work, to make it work for America, not against America.

□ 2315

As you heard earlier this evening from several of my colleagues who are opposed to this trade deal, it's about human faces. These individuals are just not numbers; they're human beings. And we, as a Congress, particularly a Democratic Congress, have to stand up for the individuals who cannot stand up for themselves.

This is a bad trade deal for America, and it is a bad trade deal for this Congress.

So, I implore my colleagues to vote against this trade deal tomorrow. I encourage you to continue to try to work with the Ways and Means Committee so we can come up with a new trade model that will actually work for America.

Mr. MORAN of Virginia. Mr. Speaker, I thank you for the time and rise in support of H.R. 3688, the U.S.-Peru Trade Promotion Agreement. Peru has been a longstanding ally in the region with the war against illegal narcotics and has committed to opening its markets and providing American businesses, farmers, ranchers and workers the opportunity to establish economical ties in that country.

Because of globalization and the benefits of growing business, cultural, and technological connectivity, Peru has become one of the fastest growing economies in Latin America with an 8 percent GDP growth in 2006. Our two-way trade with Peru has doubled over the last three years reaching $8.8 billion in 2006, with U.S. exports reaching $2.9 billion. However, because of the most-favored nation tariff rates and the various preference programs, including the Andean Trade Preference Act and the Generalized System of Preferences, 98 percent of Peru's exports enter the U.S. duty free.

While Peru's number one source of imports comes from the United States, U.S. products are subject to tariffs as high as 20 percent. With this agreement, the playing field will even out for U.S. businesses and move us from a one sided agreement to a full partnership. Once this agreement enters into force, 80 percent of U.S. consumer and industrial products will enter Peru duty free, while remaining tariffs phase out over ten years.

Like our past free trade agreements, Peru will prove to be beneficial to the U.S. economy. In the last 3 years, we have entered into several Free Trade Agreements with Chile, Singapore, Australia, Morocco, Bahrain, Oman, and several Central American nations and the Dominican Republic under CAFTA. And the results of these agreements have proven to be beneficial to the U.S. economy, businesses, and workers alike.

Three years after the U.S.-Chile FTA entered into force, our exports more than doubled reaching nearly $7 billion last year. Likewise, our exports to Singapore nearly quintupled over the first three years also reaching $7 billion. In 2006, one year after implementing the CAFTA–DR FTA, the United States exported $19.6 billion worth of goods, up 16% from the previous year. In 2005, almost 4,000 companies exported goods from Virginia of which 82 percent were small and medium-sized enterprises (SMEs), with fewer than 500 employees.

But free trade agreements are more then just buying or selling products. They are also about adhering to sets of rules such as respect for intellectual property rights and with this agreement enforcement of international labor and environmental protections.

A free trade agreement with Peru will establish greater protection for Intellectual Property rights, a growing concern for U.S. businesses and a particular concern for the N. VA technology community. It is estimated that intellectual property piracy costs the U.S. economy between $200 and $250 billion per year in lost sales and is responsible for the loss of 750,000 jobs. This agreement will improve standards for defending intellectual property by including state-of-the-art protections for digital products such as U.S. software, music, text, and video.

Peru is the first free trade agreement that includes fully enforceable commitments to adopt and maintain fundamental labor rights as stated in the International Labor Organization's Declaration on Fundamental Principles and Rights at work. This agreement will also include critical provisions emphasizing our commitment to our environmental values by addressing the impacts of illegal logging and establishing specific and enforceable requirements to prevent the trade in illegally sourced timber.

Finally, this agreement will emphasize U.S. support for a country that values democracy,

economic freedom and growth. Trade with Peru will continue to significantly increase opportunities for economic growth and help Peru further develop and modernize its economy. Recently, Peru has experienced a decline in their poverty rate from 54.3 percent in 2001 to 49.5 percent in 2006.

As a friend of trade and of Peru, it is essential we continue to cultivate this partnership so our two nations can continue to prosper and be competitive in this growing global economy. I ask my colleagues to vote ''yes'' for the U.S.-Peru Trade Promotion Agreement.

Mr. STARK. Mr. Speaker, I rise in opposition to a Peru Free Trade Agreement that is neither free nor fair. Much like the North American and Central American Free Trade Agreements, this agreement will hurt both working families and the environment.

Building on the Bush Administration's framework for CAFTA, it promotes the offshoring of high-wage American manufacturing jobs by removing many of the risks firms face when relocating to Peru in pursuit of cheap labor.

Much like NAFTA, it enables foreign companies to challenge—in foreign courts—American laws that protect occupational health, safety, and the environment. Already, NAFTA signatories have paid more than $35 million to corporations that have through this provision attacked bans on the use of toxic chemicals, limits on tobacco production and marketing, and regulations on deforestation.

In one case that hit particularly close to home, a foreign firm challenged

California's ban on the use of polluting gasoline additive MTBE. As a result, American taxpayers were forced to pay more than $3 million in legal fees before the case was eventually dismissed on technical grounds.

This agreement also undercuts Congress' authority to ensure American tax dollars are spent to create jobs in America by enabling President Bush to waive existing 'Buy America' policies. And it enables foreign firms to challenge American procurement policies designed to promote recycling and renewable energy.

That's why numerous American labor, environmental, consumer, faith, family farm, and development groups oppose this agreement. Both of Peru's labor federations, its major indigenous people's organization, and a prominent Archbishop in the country oppose this agreement as well.

To be fair, this agreement does significantly improve upon the flawed framework provided of the North American and Central American Free Trade Agreements. For new labor and environmental protections that were absent from prior trade deals, I want to thank and recognize the hard work of my colleagues on the Ways and Means Committee.

Making measured alterations to the rules of the same old game, however, is the wrong approach. Rather than improve on President Bush's trade agreements at the margins, Democrats can and should set the terms of the President's negotiating authority in a way that honors our commitment to America's workers and the environment.

I urge my colleagues to vote ''no.''

Ms. HARMAN. Mr. Speaker, I believe in free and fair trade. Trade creates jobs in the United States and helps build our relationships with countries around the world.

But not all trade agreements are created equal.

That is why I evaluate trade agreements on a case-by-case basis. I voted against NAFTA in the face of enormous pressure from my own party, and against CAFTA because I felt it suffered from the same flaws as NAFTA. I stand by those votes and believe that subsequent events have proven them to be sound.

But on carefully reading the Peru FTA is worth supporting.

This FTA makes real strides in protecting workers and the environment, and the key is that core ILO standards and adherence to multilateral environmental agreements are enforceable obligations. For example, this means that Peru cannot violate the Convention on Marine Pollution or allow employers to use temporary contractors to substitute for striking workers. If it does, the United States can bring a case against Peru, and just like the other provisions of the agreement, the case could end with Peru being subjected to sanctions. This gives these provisions real teeth.

Chairman RANGEL has secured the protections many in my party have demanded. I urge us to take ''yes'' for an answer.

Mr. SKELTON. Mr. Speaker, agricultural trade is critical to the state of Missouri. Exports of farm products boost Missouri's farm prices and farm income. Such exports support about 17,900 Show-Me State jobs both on and off the farm in food processing, storage, and transportation. In 2006, Missouri agricultural exports amounted to $1.4 billion and made an important contribution to Missouri's farm cash receipts that totaled $5.6 billion that year.

The U.S.-Peru Trade Promotion Agreement would provide increased market access to Missouri's agricultural exports by making agricultural trade a two-way street. Currently, 98 percent of Peru's agricultural exports benefit from tariff-free access to the U.S. market. On the other hand, most U.S. farm and food exports to Peru are subject to high tariffs and other non-tariff restrictions.

Current tariffs on U.S. agricultural goods exported to Peru average 18 percent. As a result of this agreement, duties on more than 2/3 of these goods, such as prime and choice cuts of beef, soybeans, soybean meal, crude soybean oil, cotton, and wheat would be eliminated immediately. Duties on pork, dairy, corn, and beef varieties would be phased out over a period of time.

Because the U.S.-Peru Trade Promotion Agreement is so beneficial to American agriculture, it has been endorsed by four former Secretaries of Agriculture—John Block, Bob Bergland, Dan Glickman, and Clayton Yeutter.

Additionally, eight former Secretaries of State have endorsed the U.S.-Peru Trade Promotion Agreement because it is in the national security interest of the United States to maintain and build strong economic alliances with our Latin American neighbors. These former Secretaries include Colin Powell, Madeleine Albright, Warren Christopher, Lawrence Eagleburger, James Baker, George Shultz, Alexander Haig, and Henry Kissinger.

Over the past twenty years, Peru has transformed from bloody civil unrest to a democratic nation with freely elected leaders who are embracing reform and strengthening the rule of law. In that time, trade has fueled Peru's economic expansion and helped to increase per capita income levels. Peru has been a strong U.S. ally in our efforts to eradicate narcotics trafficking and to combat terrorism in the Western Hemisphere.

Because this agreement will benefit Missouri agriculture and strengthen our friendship with Peru, I am pleased to support the U.S.-Peru Trade Promotion Agreement and hope it will be quickly approved and signed into law.

Mr. HASTINGS of Washington. Mr. Speaker, it is with great frustration that I must speak out in opposition to the US-Peru Trade Promotion Agreement.

I am a strong supporter of fair trade and have voted to support every trade agreement during my time in Congress. The benefits of these agreements are clear. They lower barriers and open new markets for Central Washington farmers, and they create new opportunities for manufacturers and producers in Washington state and across the nation. Given a chance to compete fairly and our farmers will lead the world in exporting high-quality fruits and vegetables.

That is why I deeply regret the totally unfair provisions in this Peru agreement relating to asparagus. This agreement forces our American asparagus growers to pay the price for a failed anti-drug effort in South America that has actually resulted in more cocaine production.

The Peru Trade Promotion Agreement is preceded by the Andean Trade Preferences Act of 1991. This Act was a unilateral granting of access to American markets for the Andean countries of South America. Its purpose was to allow legal manufacturing and farm exports into our country in an effort to fight and reduce drug production and shipments from these countries. It has been an abysmal failure. Since this one-way trade system was put in place, cocaine production in the Andean countries is actually higher now than when the agreement was put in place.

However, since the Andean Act was enacted, imports of fresh asparagus from Peru went from 4 million pounds a year to over 87 million pounds in 2006. That's a 2000 percent increase! This flood of US-subsidized foreign imports cut asparagus production in Washington state from $200 million in 1990 to approximately $75 million today. American growers were given no transition period. No time to adjust. No consideration whatsoever.

Corporations have closed asparagus processing facilities in the United States, only to reopen them in Peru.

What our government's policies have done is magically create an industry in a foreign country under the flawed logic that Peruvians would grow asparagus instead of cocaine—when the two crops are grown in two totally different regions of that country.

When the United States and Peru completed negotiations on this agreement in December of 2005, I expressed my disappointment with the trade deal and the treatment of asparagus. This was after months of meeting with and encouraging American negotiators to fix it.

I regret that in the almost two years since then, the attention of the Administration to addressing the injustice wrong done to domestic asparagus growers has been non-existent. It's been up to those few of us in Congress, both Representatives and Senators, who represent asparagus producers to work together to try and bring some degree of fairness.

We are making progress and there is movement in the right direction, but we are still a long ways from it becoming reality. I hope we

are successful in our efforts and I would welcome the attention and assistance of the Administration.

American asparagus growers deserve better than to be ignored and placed at a competitive disadvantage by their own government. Until fair treatment and assistance to American asparagus growers is a reality, I am unable to support this agreement.

Mr. POMEROY. Mr. Speaker, I rise today in strong support of H.R. 3688, the United States-Peru Trade Promotion Agreement, and urge my colleagues to support this important legislation.

I would like to thank Chairman RANGEL and Subcommittee Chairman LEVIN for their hard work on the U.S.-Peru Trade Promotion Agreement. Through their leadership, for the first time in U.S. trade policy, the trade agreement we are considering today incorporates internationally recognized labor and environmental standards and other key priorities. This was a major achievement and I am pleased that this new Congress has pushed forward a trade policy that will expand and shape trade in ways that spread the benefits of globalization here and abroad by raising standards. Congress is resuming its proper role as an active and full participant in the development of U.S. trade policy.

Under these circumstances, a new approach to trade policy—one that better reflects American values and spreads the benefits of globalization broadly—is especially critical. This is the kind of approach that we have long espoused and will begin to implement with the Peru FTA. Once enacted into law, this FTA will lock in these gains and give us a basis to build on in the future.

Central among the changes to our current trade policy is a new bipartisan commitment to the inclusion of a fully enforceable commitment that countries adopt and enforce the five basic international labor standards in all future trade agreements. This includes the freedom of association; right to collective bargaining; elimination of forced and compulsory labor; abolition of child labor; and elimination of employment discrimination.

I think it is particularly important to note the importance of what we have established with this trade agreement by way of a labor template. The Peru FTA includes basic worker rights, because workers must be a key part of the trade equation. Accordingly, for the first time in any U.S. free trade agreement, the Peru FTA includes protections for the basic rights of workers in its core text. It also prohibits Peru from lowering its labor standards in the future. It also makes these labor obligations subject to the same dispute settlement processes and remedies as all other provisions in the FTA. If Peru fails to enforce fundamental labor rights, or fails to enforce its labor laws, the U.S. Government can sue Peru for not complying with the Agreement. These are the real labor standards that are applied by the International Labor Organization (ILO)—the exact standards we have sought for more than a decade. Notably, Peru has already changed its legal framework to comply with the FTA.

I urge my colleagues in joining me in voting ''yes'' for the U.S.-Peru Trade Promotion Agreement.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H.R. 3688, the United States-Peru Trade Promotion Agreement Implementation Act.

Mr. Speaker, this legislation, better known as the U.S.-Peru TPA, has gone through an extensive and thorough legislative process that has been years in the making. For the first time, we have before us today a trade bill that contains legally binding worker rights and human rights provisions that have never before been a meaningful part of free trade legislation. This is a tremendous victory for American workers and a tremendous accomplishment of the Democratic Leadership of this Congress.

The U.S.-Peru TPA will guarantee that legally binding and enforceable labor and environmental standards be incorporated into this trade policy. This is a landmark piece of legislation for this reason alone.

Beyond the worker right provisions this bill is good for the people of Peru. In a region that for years has been plagued with the influence of the drug trade and political upheavals. A strong trade agreement with an economic ally such as the United States will help bring stability to this area through economic growth, increased job availability, and greater educational opportunities.

This trade agreement will also be a boon for the American worker. Currently U.S. agricultural imports to Peru face an average tariff of 18 percent. The U.S.-Peru TPA will eliminate all tariffs on U.S. agricultural and food products entering the Peruvian market and significantly reduce tariffs on exported goods manufactured and exported from the U.S. Market.

For my home state of North Carolina, this means significant increases in the exports from our $2 billion dollar pork industry, as well as our poultry industry, which ranks in the top five in the Nation. This legislation will also result in an increase in the exports of the goods produced in the technology and manufacturing industry in and around the Research Triangle Park of North Carolina.

Mr. Speaker, this trade agreement is a good and carefully crafted piece of legislation and I urge my colleagues to support this bill and vote ''yes'' on H.R. 3688.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 3688, the ''United States-Peru Free Trade Agreement Implementation Act.'' I believe the agreement contains a number of important benefits for the people of both the United States and Peru.

The agreement will provide each country immediate duty-free access for most industrial, agricultural and consumer goods. Remaining tariffs will be phased out gradually. This will bring an improved commercial relationship between our countries that will benefit a number of sectors in the U.S. economy, including high technology, machinery and agriculture.

The U.S.-Peru Free Trade Agreement will improve market access for information technology goods and service providers. Exports of U.S. products like computers and communications equipment to Peru will receive duty-free treatment. This will benefit Colorado because it will expand markets for our companies, which in 2006 sold more than $4 billion in computers and electronic products worldwide, accounting for 51 percent of the state's total international exports.

Passage of this agreement will also help small businesses in Colorado. More than 85 percent of the companies that export goods from our state have fewer than 500 employees. Adoption of this agreement is critical for these small firms that rely on foreign markets and need additional international market access to grow.

While expanding markets for businesses and farmers is critical, it must to be done in a manner that is responsible in the treatment and protection of workers and the environment. This agreement includes important provisions to assure this will occur.

President of the AFL–CIO John Sweeney's comments on the agreement are instructive: ''The new provisions on workers' rights and the environment represent significant progress in crucial areas that we have fought together to achieve for many years.''

The inclusion of labor standards in the agreement's main text will ensure that Peru will adopt, maintain, and enforce its own laws regarding the freedom of association, the right to collectively bargain, as well as the elimination of forced or child labor.

I am pleased the agreement provides a fully enforceable commitment that the U.S. and Peru will adopt, implement, and enforce in their environmental laws and practices obligations under major multilateral environmental agreements, including the Convention on International Trade in Endangered Species and the Montreal Protocol on Ozone Depleting Substances.

I commend Peruvian President Alan Garcia for the work the Peruvian government has done to modify domestic law to honor the commitments in this agreement. I urge the Administration and the United States Trade Representative (USTR) to ensure these obligations are honored. It is important that the United States takes step to ensure our trading partners provide workers with basic labor rights. By including such requirements we dedicate ourselves to this goal.

I am encouraged that the USTR and the Bush Administration have worked to resolve concerns raised by members of Congress along with outside groups and organizations in the course of this agreement negotiation. It is my hope the same kind of consideration can be given to issues of concern in future trade agreements.

While this agreement is largely about enhancing the exchange of goods and services, it is also about enhancing our relationship with an ally and democratic partner in Peru. Expanding the commercial relationship between the U.S. and Peru can help expand support in combating illegal immigration, narcotics trafficking and countering regional terror groups.

I welcome the beginning of a new chapter in our commercial partnership with Peru and urge the U.S.-Peru Free Trade Agreement be passed.

Mr. CALVERT. Mr. Speaker, I rise today to express my strong support for the U.S.-Peru Trade Promotion Agreement. This Agreement has a positive and significant impact on small business. More than 50,000 companies exported goods from California since 2005. This trade agreement is an important element which contributes to the growth of the California and American economy.

While the positive aspects of trade far outweigh the negatives, Congress must be firmly committed to help minimize any harmful effects that may come from greater trade. Since 2000, southern California has seen a 40 percent increase in container traffic on roads and rails, which is causing serious transportation problems for both business and constituents in my district. Congress must take a closer look

at infrastructure as it relates to trade. There are many barriers to trade, but transportation infrastructure should not be one of them.

This Agreement will also level the playing field of trade with Peru. Under the current trade preferences in place 99 percent of Peru's imports enjoy duty-free access to the U.S. In contrast, only 2 percent of U.S. agricultural products enjoy duty-free access to the Peruvian market. Once the Agreement enters into force, 90 percent of the current trade in U.S. agricultural products will enjoy duty-free access while the remaining products will be gradually phased out. California's exports have grown over 183 percent since the ratification of the U.S.-Chile Free Trade Agreement and I fully expect the U.S.-Peru Agreement to bring similar success to the California economy.

Mr. WAXMAN. Mr. Speaker, I rise in support of the U.S.-Peru Free Trade Agreement. This has not been an easy decision. This is not an ideal agreement. But it contains significant improvements negotiated by the Democratic leadership. And because of these changes the agreement represents a critical step toward a more progressive trade policy that raises standards for labor, the environment, and public health.

Under the Bush Administration, U.S. trade policy has gone from bad to worse. Instead of using trade agreements to raise standards of living, the U.S. Trade Representative has approached negotiations putting corporations ahead of consumers and profits ahead of people.

In recent agreements with Central America, Morocco, and others, labor standards an environmental rules have been made expendable and unenforceable on paper and in practice. Trade provisions aggressively pursued on behalf of the pharmaceutical industry have sought to delay generic competition in developing countries where the absence of affordable medicine can mean the difference between life and death.

Initially, the Peru FTA was no different. However, this spring the Democratic congressional leadership successfully negotiated substantial improvements to the agreement.

On the medicines issue, specifically, the revised FTA restores much of the flexibility needed to safeguard generic competition and protect public health. For example, patent extensions are no longer mandatory in the event of regulatory delays. The agreement directs patent disputes to be resolved through the court system, instead of forcing regulatory agencies to link marketing approval to the status of a drug's patent. Language was also added to make clear that the FTA does not and should not prevent Peru from taking measures to protect public health.

The Peru FTA is not perfect. There is a provision that delays the availability of generics for up to 5 years after a new drug is approved, even in the absence of a patent. USTR maintains that this ''data exclusivity'' provision is supposed to mirror a provision in U.S. law intended to incentivize research by allowing drug companies to recoup the costs associated with producing the clinical test data necessary for drug approval. But Peru is not a mirror image of the United States. It is a small developing market where the profitability for drug makers is minimal and the impact on a large population of poor and uninsured patients could be severe.

The revised Peru FTA does make clear that Peru can override this five-year restriction if public health needs demand it. Additionally, the new FTA has a mechanism for generic medicines to become available in Peru no later than they are available in the United States. However even with these key exceptions, I believe data exclusivity is a clear example of how further changes are necessary in our negotiations with developing countries.

Another area that needs reevaluation is the ''investor-state'' provisions that permit private investors to use trade tribunals to bypass regular legal channels in challenging government actions and regulations. While there have been some improvements to make the tribunals more transparent, greater reform is necessary to prevent abusive and unfair efforts by investors to undermine environment, health, safety and other laws and regulations. I would also like to see further progress to use trade agreements to strengthen adherence to core labor standards.

The bottom line is that overall the improvements to the Peru FTA are a real achievement. Today, we can finally put a stop to the Bush Administration's ''one size fits all'' approach to trade negotiations. While it will take more than a revised Peru FTA to overhaul our trade policy in broader ways, this trade agreement is an important first step in the right direction. For that reason I will support it today.

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

The SPEAKER pro tempore (Mr. SNYDER). All time has expired for debate this evening on this bill.

Pursuant to section 2 of House Resolution 801, further proceedings on the bill will be postponed.

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 (Mr. PATRICK J. MURPHY of Pennsylvania). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS 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 gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR 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 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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON 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 Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE (at the request of Mr. BOEHNER) for today after 8 p.m. and until 1 p.m. on November 8 on account of official business.

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. HARE) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. An act providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. HARE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, November 8, 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:

4024. A communication from the President of the United States, transmitting a request for FY 2008 budget amendments for the Department of Homeland Security and Department of Justice; (H. Doc. No. 110–72); to the Committee on Appropriations and ordered to be printed.

4025. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Use of Indian Housing Block Grant Funds for Rental Assistance in Low-Income Housing Tax Credit Projects [Docket No. FR-4999-F-02] (RIN: 2577-AC61) received October 31, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4026. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

4027. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 005-07); to the Committee on Foreign Affairs.

4028. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the August 15, 2007 — October 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4029. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-135, ''Closing of a Portion of a Public Alley in Square 163, S.O. 05-8289, Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4030. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-171, ''Housing Support for Teachers Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4031. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-172, ''Jobs for D.C. Residents Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4032. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2008 Annual Performance Plan, as well as revisions to the FY 2007 Annual Performance Plan; to the Committee on Oversight and Government Reform.

4033. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4034. A letter from the Chief Administrative Officer, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2007 through September 30, 2007 as compiled by the Chief Administrative Officer, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 110–73); to the Committee on House Administration and ordered to be printed.

4035. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XC99) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4036. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD00) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4037. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD08) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4038. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD06) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4039. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's support for the authorization and construction of navigation and ecosystem restoration improvements at the Corpus Christi Ship Channel (CCSC) and La Quinta Channel, Texas; to the Committee on Transportation and Infrastructure.

4040. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Management Costs [Docket ID FEMA-2006-0035] (RIN: 1660-AA21) received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Program Manager, CMM, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, and Other Part B Payment Policies for CY 2008; Revisions to the Payment Policies of Ambulance Services Under the Ambulance Fee Schedule for CY 2008; and the Amendment of the E-Prescribing Exemption for Computer-Generated Facsimile Transmission [CMS-1385-FC] (RIN: 0938-AO65) received November 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4042. A letter from the Program Manager, CMM, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program: Changes to the Hospital Outpatient Prospective Payment System and CY 2008 Payment Rates, the Ambulatory Surgical Center Payment System and CY 2008 Payment Rates, the Hospital Inpatient Prospective Payment System and FY 2008 Payment Rates; and Payments for Graduate Medical Education for Affliated Teaching Hospitals in Certain Emergency Situations [CMS-1392-FC] (RIN: 0938-AO71) received November 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

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:

Ms. SLAUGHTER: Committee on Rules. House Resolution 806. Resolution providing for consideration of the conference report to accompany the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–435). 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 Ms. SCHAKOWSKY (for herself, Mr. MCGOVERN, Mr. FILNER, Mr. COHEN, Mr. ALLEN, Mr. GONZALEZ, Mr. RAHALL, Mr. ELLISON, Mr. GRIJALVA, and Mr. STARK):

H.R. 4102. A bill to phase out the use of private military contractors; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), 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. CANNON:

H.R. 4103. A bill to designate the federal facility administered by the Bureau of Land Management located at 600 N 350 W in Delta, Utah, as the ''Gale V. Bennett Wild Horse and Burro Building''; to the Committee on Natural Resources.

By Mr. WICKER (for himself, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. CARTER, Ms. GRANGER, Mr. LEWIS of California, Mr. BOEHNER, Mr. BLUNT, Ms. FOXX, Mr. BOUSTANY, Mr. NEUGEBAUER, Mr. CANTOR, Mr. FRELINGHUYSEN, Mr. MCCOTTER, Mr. FORBES, Mr. BOOZMAN, Mr. HAYES, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. WAMP, Mr. WELLER, Mr. RAMSTAD, Mr. CONAWAY, Mr. BILBRAY, Mr. SMITH of Nebraska, Mr. BRADY of Texas, Mr. HERGER, Mr. CULBERSON, and Mr. BROWN of South Carolina):

H.R. 4104. A bill 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; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. CAPPS:

H.R. 4105. A bill to impose a moratorium on the use of recovery audit contractors under the Medicare Integrity Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. DAVIS of Illinois (for himself, Mr. SARBANES, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. CUMMINGS, and Ms. NORTON):

H.R. 4106. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4107. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. ISSA):

H.R. 4108. A bill to amend section 3328 of title 5, United States Code, relating to Selective Service registration; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of Virginia (for himself and Mr. CONYERS):

H.R. 4109. A bill to provide for the redress of prison abuses, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 4110. A bill to amend the Mandatory Victims' Restitution Act to improve restitution for victims of crime, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 4111. A bill to address the effect of the death of a defendant in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 4112. A bill to amend the Internal Revenue Code of 1986 to establish a 15-year recovery period for depreciation of designated low-income buildings and to allow passive losses and credits attributable to qualified low-income buildings; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, Mr. MACK, Ms. CASTOR, Mr. MAHONEY of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Florida, Mr. BOYD of Florida, Ms. WASSERMAN SCHULTZ, Mr. MICA, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. CRENSHAW, Mr. WELDON of Florida, Mr. KELLER, Mr. BILIRAKIS, Mr. MILLER of Florida, and Mr. BUCHANAN):

H. Res. 807. A resolution honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. SCOTT of Virginia and Mr. KUCINICH.

H.R. 138: Mr. BACHUS.

H.R. 223: Ms. GRANGER.

H.R. 339: Mr. WYNN.

H.R. 383: Mr. BOUCHER.

H.R. 402: Mr. WYNN.

H.R. 463: Mr. HOLDEN and Mr. WYNN.

H.R. 549: Mr. CHANDLER.

H.R. 594: Mr. CAPUANO.

H.R. 620: Mr. CARNEY.

H.R. 621: Mr. MCGOVERN.

H.R. 627: Mr. YOUNG of Alaska and Ms. SOLIS.

H.R. 648: Mr. GORDON, Mr. LOBIONDO, Mrs. CHRISTENSEN, and Mr. ENGLISH of Pennsylvania.

H.R. 963: Mr. WHITFIELD.

H.R. 997: Mr. DAVID DAVIS of Tennessee and Mrs. EMERSON.

H.R. 1029: Mr. CANNON.

H.R. 1072: Mr. GENE GREEN of Texas.

H.R. 1127: Mr. MCCOTTER and Mrs. BIGGERT.

H.R. 1169: Mr. ABERCROMBIE, Mr. KLEIN of Florida, Mr. GORDON, and Mr. BOUCHER.

H.R. 1287: Mr. MCCOTTER.

H.R. 1479: Mr. SHERMAN, Mr. OLVER, and Mr. ROHRABACHER.

H.R. 1497: Ms. HOOLEY, Mr. UDALL of New Mexico, and Ms. BORDALLO.

H.R. 1524: Mr. GONZALEZ.

H.R. 1553: Mr. LUCAS.

H.R. 1590: Mr. WALZ of Minnesota.

H.R. 1687: Mr. UDALL of New Mexico.

H.R. 1711: Mr. BOUCHER.

H.R. 1740: Mr. CLAY.

H.R. 1742: Mr. OLVER, Mr. PORTER, Mr. FORBES, Mr. FRANK of Massachusetts, and Mr. CAMP of Michigan.

H.R. 1818: Mr. BARTLETT of Maryland, Ms. SLAUGHTER, and Mr. BERRY.

H.R. 1843: Mr. WALSH of New York.

H.R. 1845: Mr. KLEIN of Florida, Ms. DEGETTE, Mr. BACHUS, Mr. HIGGINS, and Mr. MCGOVERN.

H.R. 1876: Mr. DAVIS of Illinois.

H.R. 1927: Mr. DONNELLY and Mr. THOMPSON of California.

H.R. 1951: Mrs. GILLIBRAND.

H.R. 2070: Mr. BOUCHER.

H.R. 2167: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2241: Mr. TOWNS.

H.R. 2287: Mr. CHANDLER and Mr. AL GREEN of Texas.

H.R. 2303: Mr. ISSA, Mr. TOWNS, and Mr. MEEKS of New York.

H.R. 2320: Ms. SOLIS.

H.R. 2489: Mr. MITCHELL.

H.R. 2508: Mr. INGLIS of South Carolina.

H.R. 2566: Mr. AL GREEN of Texas.

H.R. 2567: Mr. MCHENRY.

H.R. 2585: Mr. MCCAUL of Texas.

H.R. 2600: Mr. BARRETT of South Carolina, Ms. SUTTON, and Mr. WELCH of Vermont.

H.R. 2634: Mr. WYNN.

H.R. 2668: Mr. YOUNG of Alaska.

H.R. 2744: Ms. JACKSON-LEE of Texas, Mr. KLEIN of Florida, Mr. KIRK, Mr. MCGOVERN, and Mr. YARMUTH.

H.R. 2846: Mrs. MALONEY of New York, Mr. GORDON, Mr. LEWIS of Georgia, Mr. BOUCHER, and Mr. YOUNG of Alaska.

H.R. 2852: Mr. DAVID DAVIS of Tennessee, Mr. ALEXANDER, Mr. HERGER, Mr. BARTON of Texas, Mr. GILCHREST, Mr. SPRATT, and Mr. HALL of Texas.

H.R. 2880: Mr. MILLER of Florida.

H.R. 2915: Mr. BLUMENAUER.

H.R. 2943: Mr. YARMUTH, Ms. SHEA-PORTER, Mr. COURTNEY, Ms. FOXX, Ms. CLARKE, Mr. SESTAK, Mr. HODES, Mrs. GILLIBRAND, Mr. ELLISON, and Mr. ELLSWORTH.

H.R. 2946: Mr. ENGLISH of Pennsylvania, Mr. YOUNG of Alaska, and Mr. BOUCHER.

H.R. 3005: Mr. ENGEL.

H.R. 3036: Ms. ESHOO, Ms. HIRONO, Mr. BERMAN, Mr. STARK, and Mr. SESTAK.

H.R. 3041: Mr. FATTAH.

H.R. 3079: Ms. BORDALLO.

H.R. 3140: Mr. ELLSWORTH, Mr. ALLEN, Mr. RAMSTAD, and Mr. RAHALL.

H.R. 3249: Ms. SUTTON.

H.R. 3314: Mr. CROWLEY and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3317: Mr. FILNER.

H.R. 3327: Mr. ETHERIDGE.

H.R. 3334: Ms. PRYCE of Ohio.

H.R. 3337: Mr. STARK.

H.R. 3396: Mr. WELCH of Vermont.

H.R. 3402: Mr. MCDERMOTT.

H.R. 3412: Mr. STEARNS.

H.R. 3531: Mr. PLATTS.

H.R. 3533: Mr. BARROW, Ms. CORRINE BROWN of Florida, and Mr. POE.

H.R. 3548: Mr. BARROW.

H.R. 3563: Mr. HASTINGS of Florida.

H.R. 3585: Mr. BOREN.

H.R. 3660: Mr. GOODE, Mr. SENSENBRENNER, and Mr. HOLT.

H.R. 3700: Mr. DOGGETT and Ms. SOLIS.

H.R. 3703: Mr. SKELTON.

H.R. 3737: Mr. BACA.

H.R. 3782: Mr. WEXLER.

H.R. 3793: Mr. TIM MURPHY of Pennsylvania, Mr. MOLLOHAN, Mr. GERLACH, and Mr. BARROW.

H.R. 3800: Mrs. BLACKBURN and Mr. ENGEL.

H.R. 3824: Mr. REICHERT.

H.R. 3837: Mr. KING of New York.

H.R. 3846: Mr. MORAN of Virginia and Ms. BORDALLO.

H.R. 3851: Mr. SESSIONS and Mr. BILBRAY.

H.R. 3871: Mr. ROSS, Mr. COHEN, and Mr. MATHESON.

H.R. 3882: Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. BAKER, Mr. BROWN of South Carolina, Mr. TURNER, Mr. BILBRAY, Mr. LAMBORN, Mr. KUCINICH, Mr. LOBIONDO, Mr. TAYLOR, and Mrs. JONES of Ohio.

H.R. 3887: Mr. GUTIERREZ.

H.R. 3890: Ms. WATERS, Ms. BORDALLO, Mr. DELAHUNT, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, and Mr. FRANK of Massachusetts.

H.R. 3892: Mr. THOMPSON of Mississippi.
H.R. 3898: Mr. MCCOTTER.
H.R. 3903: Mr. COHEN.
H.R. 3911: Mr. KANJORSKI, Mr. PLATTS, and Mr. PITTS.
H.R. 3947: Mr. GINGREY.
H.R. 3950: Mr. BILBRAY.
H.R. 3982: Mr. BILBRAY.
H.R. 3987: Ms. ESHOO.
H.R. 4043: Mr. BACA and Mr. SCOTT of Georgia.
H.R. 4073: Mr. WAMP and Mr. BILBRAY.
H.R. 4074: Mr. MCNERNEY.
H.R. 4096: Mr. ROHRABACHER and Mr. LEWIS of California.
H.J. Res. 51: Mr. MORAN of Virginia.
H.J. Res. 54: Mr. PRICE of Georgia and Mr. MCCAUL of Texas.
H. Con. Res. 163: Mr. ENGLISH of Pennsylvania.
H. Con. Res. 223: Mrs. EMERSON and Mr. AKIN.
H. Con. Res. 235: Mr. FOSSELLA.
H. Con. Res. 237: Mr. BISHOP of Georgia and Mr. COHEN.
H. Con. Res. 239: Mr. COOPER and Mr. BURTON of Indiana.
H. Con. Res. 240: Mr. PUTNAM, Mr. SHUSTER, Mr. PITTS, Mr. FORBES, Mr. LEWIS of California, and Mr. TAYLOR.
H. Con. Res. 246: Mr. CAPUANO, Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. CARTER, Mr. AKIN, Mrs. DAVIS of California, Mr. CRENSHAW, Mr. ABERCROMBIE, Mrs. BOYDA of Kansas, Ms. CASTOR, Ms. LORETTA SANCHEZ of California, Mr. JONES of North Carolina, Mr. BILIRAKIS, Mr. MCINTYRE, Mr. FORBES, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. LAMPSON, Mr. TAYLOR, Ms. GIFFORDS, Mr. UDALL of Colorado, and Mr. ROTHMAN.
H. Res. 111: Mr. GRAVES, Mr. LINCOLN DAVIS of Tennessee, and Mr. BILBRAY.
H. Res. 169: Mr. GOODLATTE.
H. Res. 232: Mrs. MUSGRAVE.
H. Res. 241: Ms. SLAUGHTER.
H. Res. 356: Mr. COURTNEY.
H. Res. 542: Mr. BISHOP of Utah, Mrs. DAVIS of California, Mr. MEEK of Florida, Mrs. MILLER of Michigan, and Mr. ROGERS of Alabama.
H. Res. 556: Mr. CLAY.
H. Res. 578: Mr. RODRIGUEZ, Mr. ORTIZ, Mr. HOLDEN, Ms. GINNY BROWN-WAITE of Florida, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. BERRY, Mr. HILL, Mr. MCCARTHY of California, Mr. GOODE, Mr. SALAZAR, and Mr. YOUNG of Alaska.
H. Res. 610: Mr. STARK.
H. Res. 625: Ms. WOOLSEY and Ms. HIRONO.
H. Res. 626: Ms. WOOLSEY and Ms. HIRONO.
H. Res. 690: Mr. WEINER, Mr. SHERMAN, Mr. CROWLEY, Mr. LINDER, Mr. WEXLER, Mr. EMANUEL, Mrs. MCCARTHY of New York, Mr. MOORE of Kansas, Mr. KLEIN of Florida, Mr. RYAN of Ohio, Mr. GENE GREEN of Texas, and Mr. ANDREWS.
H. Res. 695: Mr. WELCH of Vermont and Mrs. CAPPS.
H. Res. 709: Mr. BOSWELL, Mr. YOUNG of Alaska, Mr. TOWNS, Mr. BARTLETT of Maryland, and Mr. MATHESON.
H. Res. 713; Mr. WEINER and Mr. GALLEGLY.
H. Res. 754: Ms. SUTTON and Mr. BLUMENAUER.
H. Res. 783: Mr. BACHUS, Mr. MURPHY of Connecticut, Mr. PEARCE, Mr. LAMBORN, and Mr. LEWIS of California.
H. Res. 786: Mr. SENSENBRENNER and Mr. FORTUÑO.
H. Res. 795: Mr. ELLISON and Mr. HINCHEY.
H. Res. 800: Ms. FOXX, Mr. DENT, Mr. DANIEL E. LUNGREN of California, Mr. SESSIONS, Mr. BACHUS, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. CAMPBELL of California, and Mr. PETERSON of Pennsylvania.
H. Res. 805: Mr. LAMBORN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3355

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT NO. 14: Page 21, strike lines 21 through 25 and insert the following new subparagraph:

(B) require that an appropriate public body within State shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Secretary finds are consistent with the criteria for construction described in the International Code Council building codes.

Page 22, line 12, insert:

(7) to the extent possible, seeks to encourage appropriate state and local government units to develop comprehensive land use and zoning plans that include natural hazard mitigation.

Page 22, after line 21, insert the following new paragraph:

(8) has been certified by the Secretary, for such year, in accordance with an annual certification process established by the Secretary for such purpose, as being in compliance with the requirements under paragraphs (1) through (7).

H.R. 3355

OFFERED BY: MR. PUTNAM

AMENDMENT NO. 15: Page 14, line 9, strike ''and''.

Page 14, line 14, after the semicolon insert ''; and''.

Page 14, after line 14, insert the following new subparagraph:

(C) the State or regional reinsurance program enters into an agreement with the Secretary, as the Secretary shall require, that the State will not use Federal funds of any kind or from any Federal source (including any disaster or other financial assistance, loan proceeds, and any other assistance or subsidy) to repay the loan;

Page 20, line 12, after the period insert the following: ''The Secretary may not accept any repayment of any loan made under this title that does not comply with the agreement for such loan entered into in accordance with section 202(b)(1)(C).''.

H.R. 3355

OFFERED BY: MR. KLEIN OF FLORIDA

AMENDMENT NO. 16: Page 2, after line 7, in the item in the table of contents relating to section 202, strike ''STATE AND REGIONAL'' and insert ''QUALIFIED''.

Page 4, line 6, strike ''(known as timing risk)''.

Page 4, line 15, strike ''existing''.

Page 6, strike lines 3 through 12, and insert the following new paragraph:

(16) State catastrophe reinsurance programs, if appropriately structured and regulated, assume catastrophic risk borne by private insurers without incurring many of the additional costs imposed on private insurers, and thus enable all insurers within the State to underwrite and price coverage at rates designed to encourage property owners to acquire levels of insurance appropriate to their individual risks.

Page 6, line 14, strike ''a Federal backstop'' and insert ''Federal support''.

Page 7, line 18, after ''entity'' insert '', or State-sponsored provider of natural catastrophe insurance,''.

Page 8, line 1, strike ''and'' and insert a comma.

Page 8, line 2, before the semicolon insert '', and State-sponsored providers of natural catastrophe insurance''.

Page 13, line 19, strike ''**STATE AND REGIONAL**'' and insert ''**QUALIFIED**''.

Page 14, line 5, strike ''State or regional'' and insert ''qualified''.

Page 14, line 16, before the comma insert ''at a commercially reasonable rate''.

Page 14, line 21, before the semicolon insert ''at a commercially reasonable rate''.

Page 15, line 2, strike ''and'' the first place such term appears.

Page 15, lines 3 and 4, strike ''the loan is afforded the full faith and credit of the State and''.

Page 15, strike lines 21 through 23 and insert the following new subparagraph:

(B) cannot access capital in the private markets at a commercially reasonable rate.

Page 17, line 4, strike ''privately issued''.

Page 18, lines 9 and 10, strike ''real property or homeowners'' '' and insert ''residential''.

Page 19, strike ''section 301(c)'' each place such term appears in lines 3 and 11 and insert ''section 401(d)''.

Page 20, line 9, after ''not'' insert ''be''.

Page 20, after line 12, insert the following new title:

TITLE III—REINSURANCE COVERAGE FOR QUALIFIED REINSURANCE PROGRAMS

SEC. 301. PROGRAM AUTHORITY.

Subject to section 304(c), the Secretary of the Treasury, shall make available for purchase, only by qualified reinsurance programs (as such term is defined in section 401), contracts for reinsurance coverage under this title.

SEC. 302. CONTRACT PRINCIPLES.

Contracts for reinsurance coverage made available under this title—

(1) shall not displace or compete with the private insurance or reinsurance markets or the capital market;

(2) shall minimize the administrative costs of the Federal Government; and

(3) shall provide coverage based solely on insured losses covered by the qualified reinsurance program purchasing the contract.

SEC. 303. TERMS OF REINSURANCE CONTRACTS.

(a) MINIMUM ATTACHMENT POINT.—Notwithstanding any other provision of this title, a contract for reinsurance coverage under this title for a qualified reinsurance program may not be made available or sold unless the contract requires that the qualified reinsurance program sustain an amount of retained losses from events in an amount, as determined by the Secretary, that is equal to the amount of losses projected to be incurred from a single event of such magnitude that it has a 0.5 percent chance of being equaled or exceeded in any year.

(b) 90 PERCENT COVERAGE OF INSURED LOSSES IN EXCESS OF RETAINED LOSSES.—Each contract for reinsurance coverage under this title shall provide that the amount paid out under the contract shall, subject to section 304, be equal to 90 percent of the amount of insured losses of the qualified reinsurance program in excess of the amount of retained losses that the contract requires, pursuant to subsection (a), to be incurred by such program.

(c) MATURITY.—The term of each contract for reinsurance coverage under this title shall not exceed 1 year or such other term as the Secretary may determine.

(d) PAYMENT CONDITION.—Each contract for reinsurance coverage under this title shall authorize claims payments to the qualified reinsurance program purchasing the coverage only for insured losses provided under the contract.

(e) MULTIPLE EVENTS.—The contract shall cover any insured losses from one or more events that may occur during the term of the contract and shall provide that if multiple events occur, the retained losses requirement under subsection (a) shall apply on a calendar year basis, in the aggregate and not separately to each individual event.

(f) TIMING OF CLAIMS.—Claims under a contract for reinsurance coverage under this title shall include only insurance claims that are reported to the qualified reinsurance program within the 3-year period beginning upon the event or events for which payment under the contract is provided.

(g) ACTUARIAL PRICING.—The price of coverage under a reinsurance contract under this title shall be an amount, established by the Secretary at a level that annually produces expected premiums that shall be sufficient to pay the reasonably anticipated cost of all claims, loss adjustment expenses, all administrative costs of reinsurance coverage offered under this title, and any such outwards reinsurance, as described in section 305(c)(3), as the Secretary considers prudent taking into consideration the demand for reinsurance coverage under this title and the limits specified in section 304.

(h) INFORMATION.—Each contract for reinsurance coverage under this title shall contain a condition providing that the Secretary may require the qualified reinsurance program that is covered under the contract to submit to the Secretary all information on the qualified reinsurance program relevant to the duties of the Secretary under this title.

(i) OTHERS.—Contracts for reinsurance coverage under this title shall contain such other terms as the Secretary considers necessary to carry out this title and to ensure the long-term financial integrity of the program under this title.

SEC. 304. MAXIMUM FEDERAL LIABILITY.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title sold in any single year by the Secretary shall not exceed $200,000,000,000 or such lesser amount as is determined by the Secretary based on review of the market for reinsurance coverage under this title.

(b) LIMITATION.—The authority of the Secretary to enter into contracts for reinsurance coverage under this title shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title.

SEC. 305. FEDERAL NATURAL CATASTROPHE REINSURANCE FUND.

(a) ESTABLISHMENT.—There is established within the Treasury of the United States a fund to be known as the Federal Natural Catastrophe Reinsurance Fund (in this section referred to as the ''Fund'').

(b) CREDITS.—The Fund shall be credited with—

(1) amounts received annually from the sale of contracts for reinsurance coverage under this title;

(2) any amounts appropriated under section 304; and

(3) any amounts earned on investments of the Fund pursuant to subsection (d).

(c) USES.—Amounts in the Fund shall be available to the Secretary only for the following purposes:

(1) CONTRACT PAYMENTS.—For payments to purchasers covered under contracts for reinsurance coverage for eligible losses under such contracts.

(2) ADMINISTRATIVE EXPENSES.—To pay for the administrative expenses incurred by the Secretary in carrying out the reinsurance program under this title.

(3) OUTWARDS REINSURANCE.—To obtain retrocessional or other reinsurance coverage of any kind to cover risk reinsured under contracts for reinsurance coverage made available under this title.

(d) INVESTMENT.—If the Secretary determines that the amounts in the Fund are in excess of current needs, the Secretary may invest such amounts as the Secretary considers advisable in obligations issued or guaranteed by the United States.

(e) PROHIBITION OF FEDERAL FUNDS.—No Federal funds shall be authorized or appropriated for the Fund or for carrying out the reinsurance program under this title.

SEC. 306. REGULATIONS.

The Secretary shall issue any regulations necessary to carry out the program for reinsurance coverage under this title.

Page 20, line 13, strike ''**TITLE III**'' and insert ''**TITLE IV**''.

Page 20, line 15, strike ''**SEC. 301.**'' and insert ''**SEC. 401.**''.

Page 21, strike lines 21 through 25 and insert the following new subparagraph:

(B) require that an appropriate public body within the State shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Secretary finds are consistent with the criteria for construction described in the International Code Council building codes.

Page 22, line 4, after the semicolon insert ''and''.

Page 22, line 17, strike ''and''.

Page 22, strike lines 9 through 11 and insert the following: ''the reasonably anticipated cost of all claims, loss adjustment expenses, and all administrative costs of the insurance or reinsurance coverage offered by such entities, and any such outwards reinsurance as the program administrator deems prudent;''.

Page 22, strike lines 12 through 17 and insert the following new paragraphs:

(7) to the extent possible, seeks to avoid cross-subsidization between any separate property and casualty lines covered under the State authorized insurance or reinsurance entity;

(8) complies with the risk-based capital requirements under subsection (b); and

Page 22, line 18, strike ''(7)'' and insert ''(9)''.

Page 22, after line 21, insert the following new subsection:

(b) RISK-BASED CAPITAL REQUIREMENTS.—

(1) IN GENERAL.—Except for programs deemed to be qualified reinsurance programs pursuant to section 401(c), each qualified reinsurance program shall maintain risk-based capital in accordance with requirements established by the Secretary, in consultation with the National Association of Insurance Commissioners and consistent with the Risk-Based Capital Model Act of the National Association of Insurance Commissioners, and take into consideration asset risk, credit risk, underwriting risk, and such other relevant risk as determined by the Secretary.

(2) TREATMENT OF ACCESS TO LIQUIDITY LOANS.—

(A) IN GENERAL.—To the extent that a qualified reinsurance program is deficient in complying with any aspect of the risk-based capital requirements established pursuant to this subsection, the Secretary shall recognize and give credit for the ability of such qualified reinsurance program to access capital through the liquidity loan program established under section 202(d).

(B) ANNUAL DIMINUTION.—The extent of credit recognized and given for a qualified reinsurance program pursuant to subparagraph (A) shall diminish annually in a proportion equal to the earned premium for the program for the prior calendar year.

(C) RESET UPON OCCURRENCE OF CATASTROPHE.—To the extent that a qualified reinsurance program is obligated to pay losses as a result of the occurrence of a catastrophe, the Secretary shall increase the credit recognized and given for the program pursuant to subparagraph (A) by an amount equal to the losses paid by the program as a result of the catastrophe.

(D) RESUMPTION AFTER CATASTROPHE.—After a reset occurs pursuant to subparagraph (C) for a qualified reinsurance program, the diminution described in subparagraph (B) shall resume and continue until the program has accumulated capital sufficient to satisfy the risk-based capital requirement determined by the Secretary to be appropriate given the ceiling coverage level of that particular qualified reinsurance program.

(3) REPORT.—For each calendar year, each qualified reinsurance program shall prepare and submit to the Secretary a report identifying its risk based capital, at such time after the conclusion of such year, and containing such information and in such form, as the Secretary shall require.

Page 22, line 22, strike ''(b)'' and insert ''(c)''.

Page 23, line 1, after ''entity'' insert '', or State-sponsored provider of natural catastrophe insurance,''.

Page 23, line 3, after ''entity'' insert '', or State-sponsored provider of natural catastrophe insurance,''.

Page 23, line 5, strike ''(c)'' and insert ''(d)''.

Page 23, line 11, strike ''(d)'' and insert ''(e)''.

Page 23, after line 16, insert the following new section:

SEC. 402. STUDY AND CONDITIONAL COVERAGE OF COMMERCIAL RESIDENTIAL LINES OF INSURANCE.

(a) STUDY.—The Secretary shall study, on an expedited basis, the need for and impact of expanding the programs established by this Act to apply to insured losses of qualified reinsurance programs for losses arising from all commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units. The Secretary shall consider the catastrophic insurance and reinsurance market for commercial residential properties, and specifically the availability of adequate private insurance coverage when an insured event occurs, the impact any such capacity restrictions has on housing affordability for renters, and the likelihood that such an expansion of the program would increase insurance capacity for this market segment.

(b) CONDITIONAL COVERAGE.—To the extent that the Secretary determines that there is such a need to expand such programs and such expansion will be effective in increasing insurance capacity for the commercial residential insurance market, the Secretary shall, in consultation with the National Association of Insurance Commissioners—

(1) apply the provisions of this Act, as appropriate, to insured losses of a qualified reinsurance program for losses arising from commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units, as described in paragraph (a); and

(2) provide such restrictions, limitations, or conditions with respect to the programs under this Act that the Secretary deems appropriate, based on the study under subsection (a).

Page 23, line 17, strike ''**SEC. 302.**'' and insert ''**SEC. 403.**''.

Page 23, lines 22 and 23, strike '', under law,''.

Page 24, line 7, strike ''section 301'' and insert ''section 401''.

Page 24, line 15, strike ''**SEC. 303.**'' and insert ''**SEC. 404.**''.

H.R. 3355

OFFERED BY: MR. KLEIN OF FLORIDA

AMENDMENT NO. 17: Page 2, after line 7, in the item in the table of contents relating to

section 202, strike ''STATE AND REGIONAL'' and insert ''QUALIFIED''.

Page 4, line 6, strike ''(known as timing risk)''.

Page 4, line 15, strike ''existing''.

Page 6, strike lines 3 through 12, and insert the following new paragraph:

(16) State catastrophe reinsurance programs, if appropriately structured and regulated, assume catastrophic risk borne by private insurers without incurring many of the additional costs imposed on private insurers, and thus enable all insurers within the State to underwrite and price coverage at rates designed to encourage property owners to acquire levels of insurance appropriate to their individual risks.

Page 6, line 14, strike ''a Federal backstop'' and insert ''Federal support''.

Page 7, line 18, after ''entity'' insert '', or State-sponsored provider of natural catastrophe insurance,''.

Page 8, line 1, strike ''and'' and insert a comma.

Page 8, line 2, before the semicolon insert '', and State-sponsored providers of natural catastrophe insurance''.

Page 13, line 19, strike ''**STATE AND REGIONAL**'' and insert ''**QUALIFIED**''.

Page 14, line 5, strike ''State or regional'' and insert ''qualified''.

Page 14, line 16, before the comma insert ''at a commercially reasonable rate''.

Page 14, line 21, before the semicolon insert ''at a commercially reasonable rate''.

Page 15, line 2, strike ''and'' the first place such term appears.

Page 15, lines 3 and 4, strike ''the loan is afforded the full faith and credit of the State and''.

Page 15, strike lines 21 through 23 and insert the following new subparagraph:

(B) cannot access capital in the private markets at a commercially reasonable rate.

Page 17, line 4, strike ''privately issued''.

Page 18, lines 9 and 10, strike ''real property or homeowners'' '' and insert ''residential''.

Page 19, strike ''section 301(c)'' each place such term appears in lines 3 and 11 and insert ''section 401(d)''.

Page 20, line 9, after ''not'' insert ''be''.

Page 20, after line 12, insert the following new title:

TITLE III—REINSURANCE COVERAGE FOR QUALIFIED REINSURANCE PROGRAMS

SEC. 301. PROGRAM AUTHORITY.

Subject to section 304(c), the Secretary of the Treasury, shall make available for purchase, only by qualified reinsurance programs (as such term is defined in section 401), contracts for reinsurance coverage under this title.

SEC. 302. CONTRACT PRINCIPLES.

Contracts for reinsurance coverage made available under this title—

(1) shall not displace or compete with the private insurance or reinsurance markets or the capital market;

(2) shall minimize the administrative costs of the Federal Government; and

(3) shall provide coverage based solely on insured losses covered by the qualified reinsurance program purchasing the contract.

SEC. 303. TERMS OF REINSURANCE CONTRACTS.

(a) MINIMUM ATTACHMENT POINT.—Notwithstanding any other provision of this title, a contract for reinsurance coverage under this title for a qualified reinsurance program may not be made available or sold unless the contract requires that the qualified reinsurance program sustain an amount of retained losses from events in an amount, as determined by the Secretary, that is equal to the amount of losses projected to be incurred from a single event of such magnitude that it has a 0.5 percent chance of being equaled or exceeded in any year.

(b) 90 PERCENT COVERAGE OF INSURED LOSSES IN EXCESS OF RETAINED LOSSES.—Each contract for reinsurance coverage under this title shall provide that the amount paid out under the contract shall, subject to section 304, be equal to 90 percent of the amount of insured losses of the qualified reinsurance program in excess of the amount of retained losses that the contract requires, pursuant to subsection (a), to be incurred by such program.

(c) MATURITY.—The term of each contract for reinsurance coverage under this title shall not exceed 1 year or such other term as the Secretary may determine.

(d) PAYMENT CONDITION.—Each contract for reinsurance coverage under this title shall authorize claims payments to the qualified reinsurance program purchasing the coverage only for insured losses provided under the contract.

(e) MULTIPLE EVENTS.—The contract shall cover any insured losses from one or more events that may occur during the term of the contract and shall provide that if multiple events occur, the retained losses requirement under subsection (a) shall apply on a calendar year basis, in the aggregate and not separately to each individual event.

(f) TIMING OF CLAIMS.—Claims under a contract for reinsurance coverage under this title shall include only insurance claims that are reported to the qualified reinsurance program within the 3-year period beginning upon the event or events for which payment under the contract is provided.

(g) ACTUARIAL PRICING.—The price of coverage under a reinsurance contract under this title shall be an amount, established by the Secretary at a level that annually produces expected premiums that shall be sufficient to pay the reasonably anticipated cost of all claims, loss adjustment expenses, all administrative costs of reinsurance coverage offered under this title, and any such outwards reinsurance, as described in section 305(c)(3), as the Secretary considers prudent taking into consideration the demand for reinsurance coverage under this title and the limits specified in section 304.

(h) INFORMATION.—Each contract for reinsurance coverage under this title shall contain a condition providing that the Secretary may require the qualified reinsurance program that is covered under the contract to submit to the Secretary all information on the qualified reinsurance program relevant to the duties of the Secretary under this title.

(i) OTHERS.—Contracts for reinsurance coverage under this title shall contain such other terms as the Secretary considers necessary to carry out this title and to ensure the long-term financial integrity of the program under this title.

SEC. 304. MAXIMUM FEDERAL LIABILITY.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title sold in any single year by the Secretary shall not exceed $200,000,000,000 or such lesser amount as is determined by the Secretary based on review of the market for reinsurance coverage under this title.

(b) LIMITATION.—The authority of the Secretary to enter into contracts for reinsurance coverage under this title shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for the aggregate potential liability for payment of claims under all contracts for reinsurance coverage under this title.

SEC. 305. FEDERAL NATURAL CATASTROPHE REINSURANCE FUND.

(a) ESTABLISHMENT.—There is established within the Treasury of the United States a fund to be known as the Federal Natural Catastrophe Reinsurance Fund (in this section referred to as the ''Fund'').

(b) CREDITS.—The Fund shall be credited with—

(1) amounts received annually from the sale of contracts for reinsurance coverage under this title;

(2) any amounts appropriated under section 304; and

(3) any amounts earned on investments of the Fund pursuant to subsection (d).

(c) USES.—Amounts in the Fund shall be available to the Secretary only for the following purposes:

(1) CONTRACT PAYMENTS.—For payments to purchasers covered under contracts for reinsurance coverage for eligible losses under such contracts.

(2) ADMINISTRATIVE EXPENSES.—To pay for the administrative expenses incurred by the Secretary in carrying out the reinsurance program under this title.

(3) OUTWARDS REINSURANCE.—To obtain retrocessional or other reinsurance coverage of any kind to cover risk reinsured under contracts for reinsurance coverage made available under this title.

(d) INVESTMENT.—If the Secretary determines that the amounts in the Fund are in excess of current needs, the Secretary may invest such amounts as the Secretary considers advisable in obligations issued or guaranteed by the United States.

SEC. 306. REGULATIONS.

The Secretary shall issue any regulations necessary to carry out the program for reinsurance coverage under this title.

Page 20, line 13, strike ''**TITLE III**'' and insert ''**TITLE IV**''.

Page 20, line 15, strike ''**SEC. 301.**'' and insert ''**SEC. 401.**''.

Page 22, line 4, after the semicolon insert ''and''.

Page 22, line 17, strike ''and''.

Page 22, strike lines 9 through 11 and insert the following: ''the reasonably anticipated cost of all claims, loss adjustment expenses, and all administrative costs of the insurance or reinsurance coverage offered by such entities, and any such outwards reinsurance as the program administrator deems prudent;''.

Page 22, strike lines 12 through 17 and insert the following new paragraphs:

(7) to the extent possible, seeks to avoid cross-subsidization between any separate property and casualty lines covered under the State authorized insurance or reinsurance entity;

(8) complies with the risk-based capital requirements under subsection (b); and

Page 22, line 18, strike ''(7)'' and insert ''(9)''.

Page 22, after line 21, insert the following new subsection:

(b) RISK-BASED CAPITAL REQUIREMENTS.—

(1) IN GENERAL.—Except for programs deemed to be qualified reinsurance programs pursuant to section 401(c), each qualified reinsurance program shall maintain risk-based capital in accordance with requirements established by the Secretary, in consultation with the National Association of Insurance Commissioners and consistent with the Risk-Based Capital Model Act of the National Association of Insurance Commissioners, and take into consideration asset risk, credit risk, underwriting risk, and such other relevant risk as determined by the Secretary.

(2) TREATMENT OF ACCESS TO LIQUIDITY LOANS.—

(A) IN GENERAL.—To the extent that a qualified reinsurance program is deficient in complying with any aspect of the risk-based capital requirements established pursuant to this subsection, the Secretary shall recognize and give credit for the ability of such

qualified reinsurance program to access capital through the liquidity loan program established under section 202(d).

(B) ANNUAL DIMINUTION.—The extent of credit recognized and given for a qualified reinsurance program pursuant to subparagraph (A) shall diminish annually in a proportion equal to the earned premium for the program for the prior calendar year.

(C) RESET UPON OCCURRENCE OF CATASTROPHE.—To the extent that a qualified reinsurance program is obligated to pay losses as a result of the occurrence of a catastrophe, the Secretary shall increase the credit recognized and given for the program pursuant to subparagraph (A) by an amount equal to the losses paid by the program as a result of the catastrophe.

(D) RESUMPTION AFTER CATASTROPHE.—After a reset occurs pursuant to subparagraph (C) for a qualified reinsurance program, the diminution described in subparagraph (B) shall resume and continue until the program has accumulated capital sufficient to satisfy the risk-based capital requirement determined by the Secretary to be appropriate given the ceiling coverage level of that particular qualified reinsurance program.

(3) REPORT.—For each calendar year, each qualified reinsurance program shall prepare and submit to the Secretary a report identifying its risk based capital, at such time after the conclusion of such year, and containing such information and in such form, as the Secretary shall require.

Page 22, line 22, strike ''(b)'' and insert ''(c)''.

Page 23, line 1, after ''entity'' insert '', or State-sponsored provider of natural catastrophe insurance,''.

Page 23, line 3, after ''entity'' insert '', or State-sponsored provider of natural catastrophe insurance,''.

Page 23, line 5, strike ''(c)'' and insert ''(d)''.

Page 23, line 11, strike ''(d)'' and insert ''(e)''.

Page 23, after line 16, insert the following new section:

SEC. 402. STUDY AND CONDITIONAL COVERAGE OF COMMERCIAL RESIDENTIAL LINES OF INSURANCE.

(a) STUDY.—The Secretary shall study, on an expedited basis, the need for and impact of expanding the programs established by this Act to apply to insured losses of qualified reinsurance programs for losses arising from all commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units. The Secretary shall consider the catastrophic insurance and reinsurance market for commercial residential properties, and specifically the availability of adequate private insurance coverage when an insured event occurs, the impact any such capacity restrictions has on housing affordability for renters, and the likelihood that such an expansion of the program would increase insurance capacity for this market segment.

(b) CONDITIONAL COVERAGE.—To the extent that the Secretary determines that there is such a need to expand such programs and such expansion will be effective in increasing insurance capacity for the commercial residential insurance market, the Secretary shall, in consultation with the National Association of Insurance Commissioners—

(1) apply the provisions of this Act, as appropriate, to insured losses of a qualified reinsurance program for losses arising from commercial insurance policies which provide coverage for properties that are composed predominantly of residential rental units, as described in paragraph (a); and

(2) provide such restrictions, limitations, or conditions with respect to the programs under this Act that the Secretary deems appropriate, based on the study under subsection (a).

Page 23, line 17, strike ''**SEC. 302.**'' and insert ''**SEC. 403.**''.

Page 23, lines 22 and 23, strike '', under law,''.

Page 24, line 7, strike ''section 301'' and insert ''section 401''.

Page 24, line 15, strike ''**SEC. 303.**'' and insert ''**SEC. 404.**''.

H.R. 3996

OFFERED BY: MR. RYAN OF WISCONSIN

AMENDMENT NO. 1: Strike title VI.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, FIRST SESSION

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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

O Lord our God, how great You are. You are robed with honor and majesty. Today, lead our lawmakers in their work. May they be messengers of unity and hope in a world of derision and despair. Make them productive servants who live lives that honor You. Remind them to act with justice, to love mercy, and to walk with humility. May they speak Your words that lead to life and find a firm footing by living with integrity. Because You are merciful, guide them away from crooked roads where they might slip and fall. Sovereign Lord, strengthen our Senators to seize opportunities that bring peace, hope, and freedom.

We pray in Your wise Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will recess shortly for a joint meeting to hear an address from the President of France, Nicolas Sarkozy.

ORDER OF PROCEDURE

I ask unanimous consent that the recess order be changed—it now has us reconvening at 12:15 p.m.—to subject to the call of the Chair. That way, if it doesn't work out exactly at 12:15 p.m., no one will be disadvantaged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, when we reconvene, we will go right to work on the Labor-HHS-VA appropriations conference report under the parameters of the agreement entered last night. In addition, the Senate also may consider the WRDA conference report after disposition of the Labor-HHS conference report. Members can expect rollcall votes during the day. We will also, of course, be on the farm bill, interspersed through all the other work we are doing. Hopefully, at the end of the day, we can work something out.

I had a conversation with the distinguished Republican leader last night. There may be something we can work out on the amendments. I note for the record, as I explained to my Republican counterpart last night, there was conversation on the floor yesterday that the last time the farm bill came up, Senator Daschle was the leader. At that time, there were 16 or 19 amendments, but they were all relevant amendments, with the exception of one from Senator KYL of Arizona which was a sense-of-the-Senate amendment dealing with the estate tax. Other than that, they were all relevant to the farm bill. That is the way it has been. We went back and checked, and that is the way it has been for very many farm bills. That is what we should do on this farm bill, as I have suggested. But we can work something out with the minority and come up with a list of amendments. I will be happy to do that if that is something which will make them happy.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The leadership time is reserved.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF FRANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair, as indicated in the previous unanimous consent agreement.

There being no objection, the Senate, at 10:35 a.m., recessed, subject to the call of the Chair, and the Senate, preceded by the Secretary of the Senate, Nancy Erickson, and the Deputy Sergeant at Arms, Drew Willison, proceeded to the Hall of the House of Representatives to hear the address of the President of the Republic of France, Nicolas Sarkozy.

(The address delivered by the President of the Republic of France to a joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

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

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Thereupon, at 12:23 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. MENENDEZ).

The PRESIDING OFFICER. The majority leader is recognized.

ADDRESS OF THE PRESIDENT OF FRANCE

Mr. REID. Mr. President, Senator SPECTER and I are on the floor. We had the pleasure—the entire Senate did—of listening to a joint session presentation by the President of France. It was stunningly good. I have been to a lot of those over the last quarter of a century, and I would put his right up near the top. He was so good.

He spoke about the deep and historic friendship between our two countries. After the speech, I heard Senator JOE LIEBERMAN say to him: President Sarkozy, sometimes we need to be reminded by others of how good we are as a country, how good we have been, and how bright our future can be. That, in effect, is what the President of France told us all as we assembled there.

One thing I wish to mention is one symbol of that friendship is the Legion of Honor Award the President of France presented to seven World War II veterans who are in a category of their own. To be a World War II veteran, a combat veteran, says it all, but to be awarded the Legion of Honor by the French Government puts them in a special category.

One of the presentations was to our own Senator DAN INOUYE, a Congressional Medal of Honor winner—well, you don't win one, it was presented to him. Senator INOUYE is one of the brave men who served our country during World War II. Senator INOUYE, in 1945, was a 20-year-old lieutenant who was grievously injured. He lost one limb and had many other injuries as he was leading an attack in Italy. The President of France recognized the heroism of DAN INOUYE, as we do every day.

Senator INOUYE was the leader of the 442nd Regimental Combat Team, composed of only Japanese Americans. So for Senator INOUYE and for the Senate, this is a wonderful day, and I am so thankful to the President of France and the people of France for recognizing Senator INOUYE.

FLOOR SCHEDULE

Mr. President, today, we continue to debate the farm bill. This debate is going well. We had good debate yesterday. I wish they had been more directed toward amendments, but it was a good debate—people for and against the bill. That is what Senate debates are supposed to be about. I am confident the bipartisan cooperation that brought this bill to the floor will continue and result in final passage.

There has been some concern over the amendment process. I have made it clear this bill will not fall victim to nonrelevant amendments, and there was a discussion on the floor with me and a number of other Republican Senators yesterday saying this isn't the way it should be done and we have never done it this way before. But we went back and checked the record and that is the way it is always done. In the last several decades, the farm bill does not have nonrelevant amendments.

On the last farm bill, when Senator Daschle was the leader—he had my job—there was one nonrelevant amendment, and that was a sense-of-the-Senate resolution offered by Senator KYL on the estate tax. We had one of our so-called side by sides, and that was it. All other 18 amendments were all relevant. That is the way it has to be on this bill. It has been recognized for decades that is the only way you can get one done.

I had a productive conversation with Senator MCCONNELL last evening about the process, and I hope we can work something out on the amendments. It is something we need to do, and ultimately that is what we will do. The sooner we do it, the better off we are.

Tomorrow, I am confident and hopeful the Committee on Justice, State, and Housing and Urban Development will meet and confer in conference and come up with proposals so we can bring this to the floor and work out whatever we can do with the remaining bills. Most all the work has been done. I have spoken to Senator MIKULSKI. She has talked to her counterpart in the House, Chairman MOLLOHAN, and they have worked with their Republican counterparts, and so it is something we should get done as quickly as possible.

These bills are extremely important to America's safety and well-being. The Commerce-State-Justice bill deals with, among other things, the FBI and the Drug Enforcement Administration, so it is an important bill and I hope we can move forward on that very quickly.

Today, we turn to the Veterans, Labor, Health, and Education conference report. It is an important bill. The labor aspect of it is chaired by Senator HARKIN and Ranking Member Senator SPECTER. I feel about them—about HARKIN and SPECTER—as I have for a long time about the Energy and Water Appropriations Subcommittee. Senator DOMENICI and I were the chair and ranking member of that for as long as a lot of people can remember, and for Senator DOMENICI and I, who was chair and I was ranking member, it didn't matter that much because we knew the bill and I think we did a fair job of working that bill. I feel the same way about this Labor-HHS bill. It doesn't matter who is the chair, whether it is HARKIN or SPECTER, because we always get a good product. They have done wonderful things and come up with new proposals.

We hear a lot about stem cell research. That idea, legislatively, originated in that subcommittee. They were the first ones who got us focused on that.

I appreciate their hard work. I think they have done a tremendously good job. There is no reason this package should not enjoy the same overwhelming bipartisan support the individual bill received; that is, the Labor-HHS bill passed here, and I will talk about it here in a minute. The Military Construction-VA got 90-some-odd votes. Both the Veterans and Labor, Health, and Education parts of this bill are just as important as the VA part. The original VA bill passed the Senate overwhelmingly. Democrats and Republicans joined to support this legislation that will address the critical funding shortages that have left tens of thousands—not hundreds, not thousands—tens of thousands of our veterans without the care they have earned and left them without it for far too long.

I am sorry to say the Bush administration has underfunded the VA for years, but no more dramatically has it been underfunded than the request by the President this year. The result of this short shrift and mismanagement has been made so very clear, painfully clear, by the crisis at Walter Reed. The scandal at Walter Reed Medical Center merely highlighted the problem. The wars in Iraq and Afghanistan have stretched the VA to a breaking point. The number of uninsured veterans has skyrocketed. The personal data of millions of vets has been lost or destroyed. Thousands of American veterans we call heroes wait endlessly for treatment because their claims are caught in a bureaucratic nightmare. You can't say you support the troops but leave them high and dry when they return home.

That is why this legislation includes the largest increase in funding for veterans care in the history of our country. We provide almost $4 billion more than the President's request, funds that will go straight to the core of the problem, making right the awful conditions at Walter Reed and other veterans military facilities, yet will ensure that veterans' personal data is safeguarded. We will make sure that research in post-traumatic stress disorder, traumatic brain injury, and other all-too-common illnesses our returning troops face is dealt with quickly and, most importantly, greatly expand the number of claims managers and health care workers to provide our heroes with the efficient, high-quality care they have so bravely earned.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, at the outset, I thank the majority leader for his kind words about the cooperation between Senator HARKIN and myself in structuring the appropriations bill for the Departments of Labor, Health and Human Services, and Education. As I have said, when the gavel has changed hands, it has been a seamless exchange.

SPEECH OF THE PRESIDENT OF FRANCE

Before commenting on the conference report on Labor, Health and

Human Services, and Education, just a word or two about the speech of the President of France which we just heard in a joint meeting of Congress. It was truly inspirational. They applauded the United States for our values and urged close cooperation, alliance, and friendship between the United States and France.

He touched some very important subjects, committing France to expanded participation in NATO, to have Europe take over more of its own defense—which is good news for the taxpayers in the United States since our Nation has undertaken more than its proportionate share. He spoke in emphatic terms about the unacceptability of Iran having a nuclear weapon and the pledge of cooperation from France to engage in negotiations and dialog, to see that does not happen.

There were important words about the Mideast peace process, the need to take risks for peace, the need for a secure Israel, the need for release of intervention in Lebanon by Syria, about the importance of having Israel and the Palestinians come to agreement.

It was a very impressive speech. I think it bodes very well for United States-French relations and for greater participation of France in international matters. He also spoke about global warming—received a standing ovation—about the need for U.S. participation with other nations in environmental protection.

LABOR–HHS CONFERENCE REPORT

Mr. SPECTER. Now on to the discussion about the legislation, the conference report. This bill does not contain excessive funding. What we are looking at is a bill which has a cost-of-living adjustment to what the figure was last year. The President has come in with a figure which is $3 billion less than last year. When you add the cost of living adjustment, and some very modest increases in very important programs, this is a modest bill.

The National Institutes of Health, which have been increased under the stewardship of Senator HARKIN and myself, has been increased from 12, now to $30 billion. Last year it was $29 billion. The extra billion dollars does not even keep up with inflation costs.

We have mine safety, which is a major item. It was pared back as much as can be done consistent with the mine accidents most recently in Utah.

Community health centers are still underfunded. Community health services, as has been noted by the President, are very important programs. GEAR UP, a program to deal with at-risk youth, very modestly financed. Very important to my State, Pennsylvania, and Philadelphia, which had 406 homicides last year and a real effort to add mentoring to try to take at-risk youth and try to deal with this issue.

It is my hope we can negotiate with the President and come to an acceptable term. The President has stated his willingness to negotiate on SCHIP where there is a significant difference between what the President wants and what the Congress has legislated. As the facts suggest negotiations ought to be undertaken on SCHIP, they do as well on Labor, Health and Human Services, and Education.

It is my suggestion these bills not be considered together. They violate the rules in their joinder. There will be a point of order raised, and I believe they ought to be separated in accordance with regular Senate rules.

If we combine the Veterans bill with the Labor, Health and Human Services, and Education bill, we have already been advised there will be a veto of both bills. The veterans financing is too important to be delayed. I chaired the Committee on Veterans' Affairs for some 6 years. The additional funds are necessary, and there would be undue delay if they are joined together.

So it would be my hope they will be separated so the veterans funding can go forward, and we can send this bill to the President with a view to negotiating terms. I have been in touch with the White House, talking about the possibility of coming to an agreed settlement so we can move the appropriations process forward and serve the needs of the American people.

In the absence of any other Senator seeking recognition, 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.

The PRESIDING OFFICER. The Republican leader.

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

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

NICOLAS SARKOZY'S VISIT TO THE UNITED STATES

Mr. MCCONNELL. Mr. President, nearly two centuries ago, the Congress welcomed back to America a great Frenchman whose bravery during the Revolutionary War still illuminates the pages of our Nation's early history.

The Marquis de Lafayette wanted to come back to thank his Revolutionary companions and to see the effects of the freedom he and other veterans of 1776 had risked their lives to secure.

His 1824 speech at the Capitol was the first ever by a foreign dignitary before a joint session of Congress, and he was introduced by a Kentuckian. Henry Clay happened to be the Speaker of the House at the time, and he said he could not have had a more gratifying duty than to congratulate the Marquis on his return and, as he put it: To assure him of the satisfaction which his presence afforded this early theatre of his glory and renown.

Mr. President, I ask unanimous consent that Henry Clay's remarks on that important occasion be reintroduced and printed in the RECORD, 183 years after they were first recorded there.

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

Mr. SPEAKER then rose, and, in behalf of the House, addressed the Nation's Guest, in the following eloquent strain, adorned by those graces of oratory for which he is distinguished:

''General: The House of Representatives of the United States, impelled alike by its own feelings, and by those of the whole American People, could not have assigned to me a more gratifying duty than that of being its organ to present to you cordial congratulations upon the occasion of your recent arrival in the United States, in compliance with the wishes of Congress, and to assure you of the very high satification which your presence affords on this early theatre of your glory and renown. Although but few of the members who compose this body, shared with you in the war of our Revolution, all have a knowledge, from impartial history, or from faithful tradition, of the perils, the sufferings, and the sacrifices, which you voluntarily encountered, and the signal services in America and in Europe, which you performed, for an infant, a distant, and an alien people; and all feel and own the very great extent of the obligations under which you have placed our country. But the relations in which you have ever stood to the United States, interesting and important as they have been, do not consititue the only motive of the respect and admiration which this House entertains for you. Your consistency of character, your uniform devotion to regulated liberty, in all the vicissitudes of a long and arduous life, also command its highest admiration. During all the recent convulsions of Europe, amidst, as after, the dispersion of every political storm, the people of the United States have ever beheld you true to your old principles, firm and erect, cheering and animating with your well-known voice, the votaries of Liberty, its faithful and fearless champion, ready to shed the last drop of that blood which, here, you so freely and nobly split in the same holy cause.

''The vain wish has been sometimes indulged, that Providence would allow the Patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place—to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States is the realization of the consoling object of that wish. You are in the midst of posterity! Every where you must have been struck with the great changes, physical and moral, which have occurred since you lift us. Even this very city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect, you behold us unaltered, and that is in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the Father of his Country, and to your illustrious associates in the field and in the Cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you, which I now exercise. This sentiment, now fondly cherished by-more than ten millions of people, will be transmitted, with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to their latest posterity.''

Mr. MCCONNELL. Mr. President, historians tell us Members of the Senate

almost missed the Marquis de Lafayette's speech. Clay and the other House Members did not tell them it was happening until the very last minute, and relations between the two Chambers have not been the same since.

But America's friendship with France has endured. As French President Charles de Gaulle put it in his own 1960 address before a joint session of Congress:

Our common past is filled with efforts and sacrifices. [And] it is great because at all times we have served together for freedom.

Similar to Henry Clay, I consider it an honor today to welcome another great Frenchman to the American Capitol. When French President Nicolas Sarkozy addressed the Congress this morning, he stood beside a painting of the Marquis de Lafayette. Similar to that great Frenchman, President Sarkozy sees much to admire in America. He spoke eloquently about that admiration today. I think there is an important lesson in his words and in his election for the 110th Congress.

President Sarkozy admires America's openness to new ideas and to new people. He admires our work ethic, and he has already begun to implement policies that will make hard work pay in France. In an effort to lure back the so-called fiscal exiles who have left Paris for London or Geneva, he has cut the top tax rate from 60 percent to 50 percent.

He plans to replace two-thirds of retiring Government workers to shrink the size of Government, and to end the right of some Government workers to retire at age 50 with a pension. He is starting to take away the tools French labor unions routinely use to cripple France. To encourage work, he has significantly cut taxes on overtime work.

A lot of people on this side of the Atlantic, and I am one of them, were skeptical about whether President Sarkozy could actually get some of these sensible ideas past his Parliament. We hoped he would. We want France to be strong. He told us today he is deeply committed to carrying his mission through. But the cultural forces opposed to change seemed even stronger.

Yet it turned out his election signaled a deep sense of urgency among the French people, an urgency about their future. Sarkozy put it this way in his book, ''Testimony'':

I am convinced that no country in the world can get by without effort, and that France, notwithstanding its undeniable merits and prestigious past, will become a thing of the past if it doesn't take the steps necessary to adapt to the changes taking place in the world.

The French people surprised us by electing a free-market reformer. Then they surprised us again by electing a center-right Parliament that could get his ideas through. Some of those ideas, such as cutting the top tax rate, have gone through. The winds of change are clearly blowing through France.

And not just France. Over the past few years, the ''Old Europe'' model of big government and bloated entitlements has shown signs of cracking. Germany elected a reformist chancellor from the Christian Democratic Party. Canadian conservatives rebounded under Stephen Harper after near extinction.

Even the Socialists are admitting their mistakes. The Socialist former Prime Minister of France, Lionel Jospin, shocked his countrymen when he blasphemously declared that: The State cannot do everything.

In Italy, center-left Italian Premier Romano Prodi announced in July he would raise Italy's retirement age from 57 to 61. Much of Europe, it seems, is trying to steer itself away from an economic model that has left it with double-digit unemployment and anemic growth. After scoffing at the Reagan Revolution two decades ago, many of them are now taking our 40th President's economic principles to heart.

Meanwhile, in the United States, the new Democratic Congress has turned away from the ideas that righted our own economic ship after the crisis of the 1970s. They are proposing higher taxes on everything from the size of our houses to the gas we put in our cars. They are handing out favors to big labor by proposing to end the secret ballot union elections and by working to defund the Federal office that was created to shine a light on how unions spend members' dues.

The Democratic Presidential candidates are practically tripping over each other to propose newer, bigger entitlements to anybody in Iowa or New Hampshire who will listen. In short, some Democrats in Congress and out on the campaign trial would like to turn America into France, when even the French themselves are obviously having second thoughts.

The effects of the Socialist model in France and other Western European countries are perfectly clear. President Sarkozy recently assumed control of a government that consumes more than 50 percent of France's gross national product. In Germany and in Italy, the percentage of GDP spent by the Government is above 45 percent. Compare that to about 30 percent in the United States. As one economist recently put it:

Europe's economy is so bad because government is so big.

So we congratulate President Sarkozy on his recent victory and his courage in attempting to restore France's economic vitality. America welcomes him. We are hopeful he will help lead the people of France into a new era of prosperity and economic freedom and strengthen the noble tradition of our two countries serving together for freedom.

I urge my Democratic colleagues to heed his message.

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. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report to accompany H.R. 3043, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and do the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of November 5, 2007.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, as I understand the order, we now have 1 hour; is that correct? Am I correct we have 1 hour divided up in 15-minute blocks?

The PRESIDING OFFICER. The Senator would be advised there is a total of 3 hours, of which the Senator controls 15 minutes.

Mr. HARKIN. Mr. President, I yield myself my 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HARKIN. Mr. President, I urge all Senators to support the Labor-Health and Human Services appropriations conference report. The Senate version of this bill passed, as we all know, a couple weeks ago. We had 75 votes in favor of it. We would have had 80 votes if all Senators had been here. So it was a strong bipartisan endorsement of a bill that reflected priorities on both sides of the aisle.

I am here today to say I am pleased the conference report we are considering is even stronger than the bill the Senate approved 2 weeks ago. Much has been added to the bill. I thought what I might do, for the benefit of other Senators, is sort of run through the priorities in this bill and what our appropriations bill does compared to the President's budget. I think it will give everyone a good idea of how strong this bill is, why we garnered so much support in the first place and why I hope we will garner even more support with the conference report.

Right now, the conference report invests about $8.2 billion more than last year in education, health, and labor programs. The President's budget cut $3.5 billion—cut $3.5 billion—from these

programs. I will run through those now, and I will give you a good idea what those are.

Let's take home energy assistance. This is the Low-Income Home Energy Assistance Program. At a time when we have record high energy prices, the conference report boosts it by $250 million. The President's budget cut the LIHEAP program by $379 million. It is a clear contrast between the President's budget and where we are.

Student aid. Since this covers education, what we did is have the biggest increase ever in support for Pell grants for kids who are at the lowest rung on the economic ladder who need these grants in order to even go to college. So what we did in our bill is we boosted the maximum award to $4,925. The President's budget limited it to $4,550, which is far short of the amount needed to even begin to pay for higher tuition.

Strengthening the poor. Now, here again, in the conference report, we have provided $2.4 billion in the block grants for the Social Services Block Grant Program and the Community Services Block Grant Program. These are the things that go for housing for the poor. It goes for things such as Head Start Programs, all that helps to shore up our social services system and also community systems—as I said, whether it is housing, homeless aid, things such as that for the country.

We have provided $2.4 billion for that. The President's budget cut both of these. In fact, it cut the community services block grants to zero. They absolutely zeroed it out. Then they cut the social services block grants by about a third. So when you add them together, he cut them both by about 50 percent—at a time when we have more poor people in this country than we had in the last several years, when, again, the cost of housing is up, all the other things are up for poor people to pay. Yet he wants to cut it by 50 percent. Unconscionable. Well, we met our obligations. We put in $2.4 billion for that.

The next one is medical research. Now, again, this Senate has been on record time and time again supporting healthy, good increases for the National Institutes of Health for the research needed for overcoming Alzheimer's and Parkinson's and for the research that is being done at the National Cancer Institute and all the basic research that is funded that goes out to all our colleges and universities and other entities around the country.

We made such great progress in breaking the genetic code. We are making such great progress in understanding a lot of the illnesses. We are on the threshold with stem cell research and others of entering into a whole new era of uncovering the causes and the therapeutic treatments and cures for a lot of these illnesses. So we are right on that threshold.

The President's budget cut the National Institutes of Health by $279 million—actually cut it. Our conference report has added $1.1 billion for the National Institutes of Health. Actually, it is slightly more than what we had in the Senate when we passed the bill a couple weeks ago.

On special education, this Congress, about 40 years ago, said we were going to provide up to 40 percent of the difference in the cost of educating kids with disabilities when they were mainstreamed in our schools. We wanted to put behind us the dark history of the segregation and isolation of kids with disabilities who were taken away from their homes, taken away from their neighborhoods, and sent away across the State to schools for the deaf, schools for the blind or maybe a lot of times were not even given an education.

So about 40 years ago, this Congress decided we were going to meet our constitutional requirements and make sure kids with disabilities had equal and appropriate education. But in doing so, we were going to help the States by providing up to 40 percent of the additional costs of special education.

Well, the high mark has been about 18 percent. That was about 3 or 4 years ago, if I am not mistaken—3 or 4 years ago. Since then, we have gone backward. We are now down, under the Bush budget, to 16 percent. So we are going in the wrong direction. So what President Bush's budget did is slashed $291 million for special education. What we have done is add $509 million to State grants to help our beleaguered property taxpayers in New Jersey and Iowa and all across this country, to help them meet the educational needs of our kids with disabilities. So we met our obligations there. The President did not.

On Social Security, we now know people are waiting as much as 15 months to get their cases heard. There is a backlog of several hundred thousand right now. If we do not add the necessary personnel, people are not going to get it, and maybe some of them will die in the meantime. I don't know. People keep getting more and more backlogged and get frustrated by this system. They should not have to do that. People paid in all their lives to Social Security. They ought to get their cases heard in a timely manner. So what we did is we added enough to cut down on the delays. The President's budget would not do that.

On community health centers, again, the President, when he became President, said he wanted to have a community health center in every poor area in the country. I applauded loudly for that. I thought at least here is something the President and we could agree on.

Well, what does the President's budget do? There is no increase at all for community health centers, not a dime. So we put in $225 million more to increase funding new community health centers in some of our poorer areas of this country. So we met our obligation there, also, in terms of meeting health care needs of people who do not have anywhere else to go.

The Head Start Program, which has proven its worth clear back to the Great Society. It is one of the Great Society programs. The President's budget cut Head Start by $100 million—cut it by $100 million—leaving thousands of kids behind. In our conference report, we have increased it by $153 million—not nearly what we need to meet the needs of all the kids who want to get into Head Start, but at least under our tight budget requirements, we were able to increase it substantially. So we met our obligations there in Head Start.

So these are some parts of the budget I want Senators to know about. There is a lot of other stuff, too, but these items kind of highlight the difference between where we are in this conference report and where the President's budget is.

Again, I thank Senator SPECTER for the close working relationship we have had. This has been a bipartisan effort from the beginning to right now. Again, that is why I urge all Senators to support this conference report.

Now, the President said he is going to veto it because he said our bill had too much social spending. I would like to ask him to define what he means by ''social spending.'' The way he said it was almost like we were funding ice cream socials or something like that in this bill. Again, this is out of bounds, out of touch. It shows how isolated President Bush has become. Every additional dime we have put in goes to bedrock, essential programs and services this Congress and this President and other Presidents have always supported.

It is interesting that in the last 5, 6 years, the President has not vetoed any appropriations bills. When the Republicans were in charge, the President did not veto an appropriations bill, even though they were over what his budget requests were.

Lo and behold, the Democrats, because of the last election, now control the House and the Senate, and the President said he is going to veto every one of them, except Defense, I guess, maybe Military Construction-VA. All the other ones he is going to veto. He is going to veto the Labor, Health and Human Services, and Education appropriations bill because it has ''too much social spending.'' Yet he signed all the other bills before this year.

I find that more than passing strange that the President, this year, says he is going to veto it. Well, it all adds up to politics. Evidently, the President and his advisers think somehow they are going to get some kind of political gain—some kind of political gain—by vetoing our bill for Education, Health and Human Services, and Labor.

Well, I do not know what kind of calculus goes into that, but it is bad calculus. It is bad calculus if the President thinks he might make some political gain by cutting Head Start Programs or by cutting special education or by cutting funding for the National Institutes of Health because it is over his budget, it is ''too much.'' Well, he never said that before. He never said that before to any Republican appropriations bill that passed in the last 5 years. I guess only because the Democrats are in charge he wants to veto it.

I would say to the President: This is not a Democratic bill. Yes, we may be in charge because of the election last year, but I still point out that this bill passed the Senate with 75 votes. As I said earlier, there were five missing who would have voted for it. It would have been 80 to 20. You cannot get much more bipartisan than that. It is not a Democratic bill.

Senator SPECTER and I and other people worked very hard on this bill. So I do not see where the President comes across in saying he is going to veto it. I think the President is so isolated, so out of touch that someone said: Well, this is over your budget, so you have to veto it. And he said: OK. Fine, I will do it.

Well, again, the other thing is, when the President sent down his first veto message on this bill, he said he was going to veto it because of two things. He was going to veto it because we had included a provision dealing with stem cell research, which he was opposed to and because it was over his budget.

Well, both Senator SPECTER and I agreed in the beginning—even though we both feel very strongly about overcoming the President's dictates on stopping funding for stem cell research—even though we feel strongly about that, we were willing to go halfway to meet the President. We said: OK, we will take the stem cell portion out of here. So we would like to meet you halfway. Well, what we heard from the White House was: That is not enough. It has to be all his way, all the President's way.

Well, that is not the way we do things around here. We compromise. The art of democratic rule is to make our compromises. So I figured, if we gave up on our stem cell, then he might give up a little bit on his. But that is not the way the President sees it. It has to be all his way or no way.

Again, we do not do business like that around here. As I said, we have a farm bill on the floor this year that I am also chairing, and it is not all I want, it is not all anybody wants. In the farm bill, we have to make our compromises and agreements to get the job done.

But this President is unwilling—unwilling—to compromise, unwilling to sit down with us and hammer out some kind of a reasonable compromise. So we are left with only one course of action. We have to fulfill our constitutional responsibilities as appropriators to fund the Government, to fund that which Senators and Congresspeople think are priorities and, yes, that the administration also thinks are priorities. So our constitutional obligation is to work these things out and get the best bill we can that people agree upon. As I said, with 75 votes, you can't get much better than that. So I guess we are left with only one course of action: Pass our bill and get it to the President, and I guess he will veto it. It doesn't make sense to me. It makes no sense for the President to veto this bill. As I said, I can't figure out what he—and then to veto it without saying: Let's sit down and work and maybe we can get some agreement. That has not happened. So, again, we are left with only one course of action: Pass the bill, the conference report. I hope Senators will support it as strongly, if not more strongly, than they supported the original bill that passed in the Senate.

Finally, let me say this: Even with this conference report, we have met all of our pay-go requirements. This bill does not add a single dime to the deficit of this country—not a dime. But by cutting a little bit here and adding there to certain priorities, we were able to get a bill that we basically all agree upon. Would I have liked to have had more in NIH? You bet I would. Would I have liked to have had more in the Head Start Program? Yes, I would have. Would I have liked to have had more for special education? Yes. The President wanted less than that, so we tried to meet him halfway. Yet the President says no, he wants it all his way.

So I hope Senators will support this conference report on Education, Health and Human Services, and Labor overwhelmingly, send it to the President, and hopefully he will change his mind. Hopefully, between now and then, he will think: Well, you know, maybe I should sign it, after all. Hope springs eternal. We will just have to wait and see. If he signs it, God bless him. That is good. We will be done with it, and we will move on to next year. If he vetoes it, well, we will just have to come back and hopefully, with the 75 or 80 votes we have had for it, we will override the veto. It is just not a good way to do things, and it causes the kind of confrontation and it causes the kind of bad things happening in Washington that the people of this country want us to end. They want us to work things out and move things along. We have done it here in the Senate. We have done it in the House with Republicans and Democrats. Now it is up to the President to also sit down and negotiate in good faith.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I am pleased this afternoon to recommend the Military Construction, Veterans Affairs, and related agencies division of this conference report to the Senate. This is an extremely important and time-sensitive funding measure, and I urge my colleagues to adopt it without delay as part of the Labor and Health and Human Services conference report and send it to the President to be signed into law.

I am particularly honored to be presenting this measure to the Senate on behalf of the chairman of the subcommittee, Senator TIM JOHNSON. We have worked closely throughout the entire appropriations process, and the Military Construction and Veterans Affairs provisions before the Senate today are the product of a thoroughly collaborative and a cooperative effort, but the leadership was provided by Senator JOHNSON. I appreciate Senator JOHNSON's graciousness in allowing me to offer this conference report on his behalf.

I would also like to thank the ranking member of our subcommittee, Senator HUTCHISON, for her excellent work and cooperation in developing this conference report and the chairman and ranking member of the full committee, Chairman BYRD and Senator COCHRAN, for their strong support and guidance in shepherding this legislation to the floor.

The Military Construction and Veterans Affairs conference report before the Senate today is fair, balanced, and a bipartisan piece of legislation that deserves the full support of the Senate.

The Military Construction and Veterans Affairs portion of this conference report is critically important to our Nation's military forces and to our veterans. It includes $64.7 billion in total discretionary funding—$3.7 billion over the President's budget request for the Department of Veterans Affairs. This level of funding includes $37.2 billion for veterans health care, a high-water mark in the history of the Department—the largest sum of money ever appropriated for veterans health care. Indeed, it is consistent with the independent budget the veterans organizations have proposed year after year. This is the first time we could match their goal with our appropriation. We have provided $2.6 billion more than the President requested for veterans health care and $373 million more than the veterans service organizations sought in the independent budget. We have, in fact, gone beyond what the independent veterans organizations have suggested in their budget. This level of funding is a clear demonstration of the importance this Congress places on the health and welfare of our Nation's veterans.

The funding included in this conference report supports a myriad of programs crucial to America's veterans, including funding the veterans hospitals, clinics, and veterans centers, as well as cutting-edge research into critical areas of health care such as traumatic brain injury and post-traumatic stress disorder. As a result of the asymmetric combat we are witnessing in Iraq and Afghanistan, this Nation is

producing a new generation of veterans, and they have markedly different service-related injuries than were experienced in previous wars. Thankfully, more service men and women are surviving their war wounds, but many are surviving with catastrophic physical and mental injuries.

The nature of veterans health care for new veterans is changing dramatically, while the demand for short-term and long-term health care for veterans of previous wars is rapidly increasing as the veteran population ages. We have two currents rushing together: veterans of World War II and Korea who are now in their seventies and eighties requiring more care simply because of their age, and a new generation of veterans coming out of Afghanistan and Iraq, many of whom are sustaining neurological injuries such as traumatic brain injury or post-traumatic stress disorder. This other stream of veterans is flooding into our system, and we have to care for all of these veterans. That is why this legislation is particularly timely and particularly important.

All of the challenges to the Department of Veterans Affairs are enormous. The conference report before the Senate today addresses those challenges. With this funding, we are providing the resources for the Department to meet the needs of both aging veterans from yesterday's wars and emerging veterans from today's conflict.

The conference report also includes critically needed funding for military construction. It provides a total of $21.5 billion for military construction and an $8.4 billion increase over last year's funding level, with most of the increase directed toward implementing the 2005 Base Realignment and Closure Program.

I am particularly pleased that the conference report includes $1.1 billion for the Nation's Guard and Reserve forces—a 34.5-percent increase over the President's budget request. The wars in Iraq and Afghanistan have placed an unprecedented demand on the Nation's Guard and Reserve Forces. Yet the President's budget slashed construction funding for several of the Guard and Reserve components. This conference report corrects that inequity. For example, it increases funding for the Army National Guard 25 percent over the President's budget request, and for the Air Guard, the conference report more than triples the President's budget request.

Military construction may not have the glamour of the Defense Department's sophisticated weapons and other programs, but it is, nevertheless, the bedrock of the Nation's military. Our troops must have sufficient funding to provide barracks, facilities for training and maintaining their equipment, and adequate housing for their families. Without the resources provided in this legislation, these crucial facilities could not be constructed. This legislation provides funding for an impressive array of military construction projects, the vast majority of which were requested by the President. All of the major construction projects added to the President's budget by the Senate have been fully vetted, are included in the authorization bill, and are encompassed within the service's Future Years Defense Plan.

Some have complained that the Military Construction and Veterans Affairs conference report should not be coupled with the Labor and Health and Human Services conference report. I will have more to say about that later, but I would like to make the point now that these two bills complement each other in many respects, and it makes perfectly good sense to link them together.

There are more than a few crossover items between the Military Construction and Veterans Affairs appropriations bill and the Labor and Health and Human Services appropriations bill. These include, to name a few, the Labor Department's Veterans Employment and Training Program, which includes the Homeless Veterans Reintegration Program; the Department of Education's Impact Aid Program, which assists school districts whose student population is swelled by military dependents; and the Traumatic Brain Injury Program directed by the Department of Health and Human Services and the Centers for Disease Control. There are numerous programs that provide benefits to veterans and their families that are included in the Health and Human Services program. Veterans are not simply veterans. They are members of communities. They have children. They have spouses. They require the services that are included not only in the Veterans' Administration bill but particularly their families in other legislation and other appropriations included in the Health and Human Services bill.

Something else, too, I think is important to stress, and I will do that in greater detail, these veterans as young men and women committed themselves to this country, not because they anticipated collecting veterans' benefits but because they wanted to make a difference. They wanted to ensure that—mercifully and hopefully—the next generation of Americans wouldn't have to go into combat, but beyond that, that all Americans would have a chance. It was not about ensuring elaborate tax loopholes or sophisticated financial transactions; they were fighting—and, sadly, being injured and too many dying—to give people a chance in this country, an opportunity to go to school, for children to get immunizations, and for bright, talented young people to go to college. That is why I think it is also essential that these two bills are being considered together, because if we provide for our veterans, they have earned it—and we should and we must and we will—but if we neglect the rest of the country, have we truly fulfilled and measured up to what they served and sacrificed for? I don't think so.

The Senate has before it a comprehensive and vitally important conference report for funding both Departments, both areas—the Department of Labor and Health and Human Services, the Education Department, and Military Construction and Veterans Affairs. We have the opportunity—I would argue, the obligation—to send a signal to the President of this country and to the Nation that we are not willing to play favorites among appropriations bills. Funding for health care for our veterans is clearly a priority, but it does not trump our commitment to fund health care services for all Americans or education programs or job training for those who need it, including veterans who participate in many of the Department of Labor programs.

I urge my colleagues to support this conference report in its entirety and send it to the President today.

Mr. President, I yield the floor and reserve the remainder of whatever time I may have.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise as the ranking member of the Subcommittee on Military Construction and Veterans Affairs, and I appreciate the opportunity to speak on the conference report. I am following my chairman of his subcommittee. I hope very much that we will be able to take up this bill, which is our subcommittee, Military Construction and Veterans Affairs, separately, as everyone, I believe, knows in their heart is the right thing to do.

This bill is a bill that has been agreed to. We have worked on a bipartisan basis. We very quickly came to a conclusion in the conference on the Military Construction and Veterans' Administration bill. In fact, the President said right out that he would sign the bill, even though it is almost $4 billion more than he had requested, because he understands the urgency of both bills—Veterans' Administration and the Military Construction—and he knows that it is important to do it right away. So he said right up front that he would sign our bill. But he also said right up front that he would not sign the Labor and Health and Human Services bill. So there would be no reason—no common sense or substantive reason—to combine these two bills.

It is incomprehensible to me that the leadership in the House decided to do this. In fact, they also put the Defense appropriations bill as a part of the Labor and Health and Human Services bill, but the Democratic chairman of the Defense bill agreed with the Republican ranking member, and they were able to take the Defense bill out.

For the very same reason, we should be taking the Veterans-Military Construction bill out from under the bill the President has said he will veto. The President will sign the Defense bill and the Military Construction-Veterans

bill. Why not have this Congress come together and accomplish something? Two major parts of our Government—it happens that it is the two parts that fund our warriors who are in the field, in harm's way right now—those could be signed right away. Why not do it? I hope the Congress will come to its senses and move in a bipartisan way, swiftly, to do this very thing.

Let me talk about the bills themselves. Military construction: With the impending return of troops resulting from the current overseas rebasing effort through BRAC and the global war on terror, our service men and women are in a time of great transformation. The military construction section of our bill provides $21 billion for construction projects to support these moves and bring our troops home. I cannot emphasize enough that we must stay on schedule. It is important that the military services receive the facilities they need to bring our troops home, where they have better training facilities, a better quality of life for themselves and their families. From operational building to many childcare centers, we have necessary facilities in the bill to do that. Servicemembers, families, and local communities across our country are counting on us.

Now, Congress set a deadline of 2011 for BRAC to be implemented. Yet we see Congress is dragging its feet in the funding requirements to implement the BRAC. We have given the Department their mandate. We must follow through with the money needed. Many of us have visited bases in Europe, Korea, and throughout the world. We know there are training constraints in many of those bases; that our service men and women are not able to stay in training. Sometimes it is a constraint in airspace. Sometimes it is an environmental problem. Sometimes it is a constraint in ground space and artillery space, so that we can be fully trained when we go into harm's way.

The reason the Department of Defense made the announcement after our Congress passed the overseas basing commission amendment to the Defense authorization bill—the reason the Department of Defense announced that 70,000 troops would be brought home from Germany and Korea is because they agreed that the training constraints would make it impossible for us to keep our troops fully trained for the combat into which they will be going. So it is important that we fund this, that we do it on a timely basis, and that we move swiftly on the military construction part of the bill.

The Department of Veterans Affairs is the other part of this unit. I know there is a concern over total discretionary spending in all of the appropriations bills. But the President has said he will sign this bill. With the money appropriated, the Department of Veterans Affairs will be able to address the needs of over 7 million veterans who count on us to provide the funds necessary for medical care, medical facilities, research, extended care facilities, and even cemeteries. The appropriations increases in the bill are in areas I support.

We will always do what is necessary to take care of our veterans and their health care needs. The research of the Veterans' Administration into prosthetics, severe trauma, and traumatic brain injury is cutting edge. Increasing resources in these programs is a good investment for our Nation's veterans and our Nation's future. We are asking the VA to expand research in several areas, including post-traumatic stress syndrome, gulf war illness, prosthetics, and geriatric care. These are the types of injuries the warriors of today are sustaining. These are the warriors in the war on terror. These are the injuries we should be looking for the very best ways to treat, and also the way to rehabilitate our injured warriors with better prostheses, better artificial arms and legs, so they can have a more normal life because they have given so much for our country.

I think every Member of Congress shares the desire to fairly compensate, medically treat, and honor our veterans. The Veterans' Administration provides the health care to address the illnesses or disabilities, physical or mental, including those illnesses that might manifest themselves decades after military service, which is something we also see happening. We always have, and always will, take care of our Nation's veterans. Every veteran should know we are committed to nothing less.

Mr. President, this Congress has shown its resolve time and again to care for our men and women in uniform, as well as the more than 7 million veterans. We owe them our gratitude. We will do our part to take care of them. I ask that we work together to put our servicemembers and veterans first, to do what is best for them and our country.

Mr. President, I will make the point of order at the appropriate time to separate these two distinct bills. The Veterans-Military Construction bill and the Labor-Health and Human Services bill are separate bills. We have separate committees, and we have dealt with the two committees separately. There is no reason to put them together, particularly when the President has said he will sign the Veterans-Military Construction bill, and he will veto the Labor-Health and Human Services bill.

Why do we delay and put our military service men and women and their families and our veterans in a situation where they are in limbo? Why not pass the bill separately because the bill is ready to go? We have worked in a bipartisan way to assure that it is.

There is no common sense nor substantive reason to put these bills together. So I will leave it up to others to determine why the leadership in the House would have lumped these bills together. I will also say that I respect the Defense Appropriations Committee chairman and ranking member for coming together on a bipartisan basis to take their bill out because that is exactly what should have happened. I hope we will do the same thing for our military veterans and our service men and women who rely on the construction projects and military construction to provide the housing, training facilities, childcare centers, and health care centers, which are necessary for them and their families to have the quality care they so richly deserve for what they are doing for our country right now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that it be in order to make the rule XXVIII point of order at this time and for Senator HARKIN to make the motion to waive, but that all debate time under the previous order be preserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I raise a point of order under Senate rule XXVIII, paragraph 3, that the text of the Military Construction, Veterans Affairs, and related agencies bill, H.R. 2642, which constitutes division B of the conference report for H.R. 3043, is new matter as it was not contained in either the House- or Senate-passed bills.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I move to waive the point of order and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is there controlled time now? I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The majority leader controls 54 minutes. The Senator from Massachusetts will be using that time.

Mr. KENNEDY. I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, first, I wish to express my strong appreciation to the Senator from Iowa, Mr. HARKIN, and the Senator from Pennsylvania, Mr. SPECTER, for the work they have done on the Labor-HHS conference report. This appropriations bill is of enormous importance. Our national security gets attention, but so much of what makes a difference in the strength of our Nation is our investment in our people. When we talk about investment in our people, we are talking about education, we are talking about health care, we are talking

about job safety, job training programs which have been tested and tried, examined and evaluated. The Appropriations Committee has done just a splendid job in allocating resources to these priorities. They have done it in a bipartisan way.

Now as we see this whole process on appropriations moving forward, we know this will ultimately be decided this evening with a Senate vote. It will then go over to the House of Representatives and down to the White House to the President where he has indicated he is going to veto this legislation.

I wish to take a few minutes to go over this legislation so the American people and our colleagues, as we are looking at a variety of proposals that are coming at us at a furious pace in the Senate, have a very clear understanding and awareness as to exactly what this legislation is about and its importance to American families. This is family legislation, it is children's legislation, it is health care legislation. It is about our ability to compete in the future.

We hear much talk about the challenges we are facing globally, and we are facing serious challenges globally. This legislation deals with making sure American workers are going to have the kinds of skills which are necessary so they are able to compete.

Global competition is going to be a knowledge-based competition. That is why it is so important we invest in education. That is why it is so important we have a healthy population, and why it is so important we have individuals who have the skills so we can have a knowledge-based economy and be able to compete internationally. This legislation is the heart and soul of that effort in the Congress of the United States.

Again, I thank old friends and individuals who, for a long period of time, have been strongly committed to these issues on education, health, and training.

When we look over these particular items, it is important to know, since we are talking about priorities, a billion dollars—and a billion dollars is real money, that is true—we are talking about a total budget of over $2.8 trillion. The amounts we are talking about certainly are very modest, indeed, particularly when one looks at the total scope of our budget. And particularly when one looks at what we are spending in Iraq, the amounts we are spending in this bill are basically trivial. That is why it is so discouraging, I find, that the President of the United States believes we have to effectively pay for the war in Iraq by vetoing programs that make a difference in the quality of education, health care, and training of American workers.

Let's look at these items in some detail. How can we take this President seriously when he says he will leave no child behind, when he vetoes funding for education? How can we take the President seriously when he says he is for children's health, when he vetoes funding for children's health care? How can we take this President seriously when he announces a new food safety initiative such as he did yesterday and says he will veto funding for food safety? The President may have the wrong priorities, but in Congress, we have worked together, Democrats and Republicans, to pass responsible new investments in our schools, the health care systems, and our jobs.

Here is what is at stake if the President vetoes this important legislation, and the American people deserve to know which of their priorities will fall to the cutting room floor when he rejects this bill.

First and foremost, this bill before us today provides long overdue funding for education. Over the past few years, the White House and the Republican leadership in the Congress have neglected the urgently needed new investments for better teachers, stronger schools, and college affordability. In fact, under the Republican-controlled Congress, funding for the education of our children has actually gone down.

This chart goes back to the last time we had Democratic appropriations bills and we passed No Child Left Behind. One can see the dramatic falloff rather than an increase in commitment to children all over this country. We saw the reductions. This reflects the final results of these battles. We can see the gradual reductions in funding. The red lines are what the administration actually requested. Here is President Bush's request, a reduction of $2.2 billion; and in 2008, a reduction of $1.5 billion. This is the difference between a Democratic resolution and a Democratic conference report, $3.2 billion. We are coming back in terms of increases. It provides $3.2 billion in new funding for education compared to last year.

The core Federal education initiative for helping schoolchildren who fall behind is called the title I program. Despite all the hype from the administration about leaving no child behind, title I funding has languished since passage of that legislation. The education funding before us today changes all that. It includes the largest increase in the title I program since the No Child Left Behind Act was passed.

Again, these are the annual increases in title I, part A funding, 2003. It was going down. In 2006, it was flat, 250. And now with this proposal, there is a significant increase, $1.85 billion, an indication of the Nation's priority of increased funding for title I.

Title I, as we all remember, goes back to 1965 when this country said we as a nation are going to make a priority the poorest children and neediest children in our society. We are going to give attention as a nation to do something about the poorest and neediest children in this country. That is what title I is all about.

We will have a chance to get into those in greater detail. We are all familiar with the challenges we are facing with school dropout and increased poverty among the neediest of children. We know money is not the answer to everything, but it is a pretty clear indication of a nation's priorities. And included in this legislation is title I funding.

Shamefully, we have seen the Pell grant stagnate as well. In the past 5 years, students and families have struggled as college costs have skyrocketed. What we have also stated as a country—there was a great debate actually going back to 1960, and was passed in 1965 in the Higher Education Act, that we as a nation say that any young person in this country who has the skill and the ability to be admitted to a college, that they will not be denied that opportunity. If they do not have financial assistance, they will have at least some assistance from a Pell grant, named after our former colleague in the Senate, Claiborne Pell. With the explosion of the cost of education, we still saw flat funding for the Pell Grant Program, and now we are seeing a gradual increase. In this particular appropriations bill, we have an increase in the Pell grant that will be effectively eliminated if this bill is vetoed.

The President should recognize that this bill finally delivers on many of the promises we made some 6 years ago. He should embrace the progress and sign the bill. Instead, the President has threatened to veto the bill and deny the help our schools so desperately need.

The President rejected this bill because it includes an increase of $4.5 billion for education funding over what he included in his budget. He has requested $158 billion for the war in Iraq this year—that is $433 million today—$158 billion for the war in Iraq. All we are talking about is a $4.5 billion increase for education. Mr. President, $4.5 billion for education gets a veto; $158 billion for the war in Iraq gets his signature.

Let's look at the choices and compare the choices of American families which are reflected in the legislation before us.

This chart reflects trying to help struggling schools turn around. American families want to use these funds to help the 9,000 schools most in need of improvement, to strengthen education for all of the children in these title I schools. This represents 1 day of the war in Iraq, and the President says no.

The most important ingredient is the education of our teachers. Having good teachers, well-trained teachers, knowledgeable teachers, committed teachers who will serve in our public school system is one of the highest aspirations that we see reflected on our fellow citizens. We need to have good teachers in many of the underserved communities, and we need to provide help for those teachers. We need to give assistance to those teachers.

We have some $3 billion for the high-quality teachers. This would hire 30,000 teachers to help reduce class size and provide high-quality induction for 100,000 new teachers. This induction is assisting and familiarizing teachers in their classroom and in their homerooms. It has been enormously successful in the retention of high-quality teachers, these kinds of programs being included in this legislation. It provides high-quality professional development for 200,000 more teachers. Teachers want and need to have some time for their development, and this provides that help for their professional development.

Every other industrialized nation in the world provides this kind of assistance. Teachers need this kind of support. So we are providing important assistance to them. But, oh no, the President says, no, that will be vetoed.

We have $7 billion to help provide the high-quality early education through the Head Start Programs, which equals 16 days of failed policy in Iraq. We all know the importance of early intervention. Everyone should read ''From Neurons to Neighborhoods,'' the great book by Jack Shonkoff, who has done such an extraordinary amount of work pulling together these three great studies from the National Institutes of Health, which shows a snapshot of the child's early development, from birth to the very earliest years, and the difference in terms of cognitive skills and also social behavior. The earlier the investment we have in these programs, the better the results are.

We are not taking the time to reflect all that, but it is so. We have demonstrated it time and time again. But that $7 billion is going to be subject to the veto.

I wish to mention two very important areas. We are going through these areas quickly, but I wish to mention the area of health priorities. We have mentioned early education and education, but we strongly believe in the $4.9 billion in cancer research which would fund over 6,800 grants.

We are living in the life science century, with the extraordinary progress that has been made in DNA research and sequencing of the genes. The breakthroughs we have seen are absolutely mind-boggling. Over the recent years, we have effectively doubled the NIH research and the results coming through are extraordinary. At the same time, we are now finding that instead of taking advantage of these breakthroughs, we are beginning to cut back and cut back and cut back in terms of the opportunities in the areas of cancer and cancer research.

When you talk to families across this Nation about their priorities, No. 1 in the area of health care will be in the areas of cancer research. We have 550,000 who die every year from cancer. It touches every family in America either directly or indirectly. We know the challenges we are facing now with diabetes and the challenges with obesity. There is an explosion across the country in terms of diabetes.

We have $700 million for pandemic flu, to strengthen our health defenses. We know there are a variety of different strains that have been out there, both chemical and biologics, that could be enormously dangerous falling into the hands of the wrong groups and threatening American populations in a very significant and important way. We cannot be seeing a reduction in terms of our commitments to pandemic flu.

The Centers for Disease Control. Whenever we have a problem, look at the television news over the period of the last couple of weeks, what did we see when we had the problems over in the Far East and China? It is always the CDC that takes on the responsibility to go over and try to detect and find out what is happening in these areas. This is an enormously important health agency that has enormous capability and skill in terms of its personnel and commitment. We have all these various challenges—the increased amount of asthma that has effectively doubled over the period of the last 15 years, increasing obesity, and childhood immunizations. It is interesting there is a higher percentage of children in Iraq who are getting immunized for diseases like measles than there are in the United States of America. How do we justify that? Now we are seeing a reduction in terms of childhood immunizations.

The community health centers, which are the lifeline for some 15 million low-income Americans, we are cutting back on those at a time when we are seeing increasing numbers of Americans losing their health insurance. These are all programs that are tried, tested, evaluated and all extremely effective and programs the American people support. Immunization, the challenges of research in terms of cancer and diabetes and obesity, the challenges we are facing in those areas, the importance of investing in terms of education, all of these are extremely important.

Finally, I wish to mention worker safety and health spending, which is a fraction of the Iraq cost. One week in Iraq, $3 billion. These are the total expenditures for protecting the $500 million in terms of OSHA. Since the passage of OSHA, we have reduced deaths in the workplace by more than half. We have increasing complexity for OSHA, because with new techniques and new toxins being used in the workplace, there are new challenges for OSHA. We need to make sure that in the United States of America we are going to have safe workplaces as well as workplaces where individuals can be demonstrating increased productivity.

We all know the challenges that mine health safety has faced, whether it has been out in Utah or West Virginia, this past year. We have $340 million to try to ensure safety in the mines. But that is going to be vetoed. To demonstrate this isn't out-of-control spending, we have OSHA last year and OSHA this year, which is a 2.8-percent increase over the President's request and some 12 percent in the area of mine safety. These are basic and reasonable kinds of expressions by the Congress in areas of public concern. Nonetheless, we are hearing this administration is going to veto it.

Let me also say we have seen an administration that is, over the past years, increasing the reductions in terms of training programs under the Workforce Investment Act. The Workforce Investment Act was bipartisan legislation. Senator Kassebaum, myself, and others were involved in the development and shaping of that, coordinating a variety of different job training programs. We had strong bipartisan support, and we had support from the workers and from the business community. It has made an important difference. In my State of Massachusetts, at the end of last year, we had over 92,000 jobs that are out there waiting for people to be able to take them. Yet we had more than 178,000 people who are unemployed. You would think it would make some sense to get the skills to those individuals who can work, who want to work, so they can fill those jobs, become taxpayers and productive members of our society. That is what we are talking about in terms of workforce investment. That is what happens when we have good programs such as this.

Nonetheless, we are finding out that even though this legislation restores some $500 million to the cuts we have had these last several years, this President is now committed toward vetoing.

So these are some of the items that are front and center in terms of this appropriations bill. As I mentioned at the outset, this is an extremely important piece of legislation. It is basically about the sole well-being of our fellow citizens. It is about educating our young, ensuring the health and well-being of our fellow citizens, about ensuring we are going to be able to have the kind of skills necessary so we can have a productive, expanding economy to be able to offer the hope and opportunity that good jobs, with good wages and good benefits, means to working families. That is what this legislation is about.

The numbers that have been included represent the best judgment of Democrats and Republicans together. Compared to where we are in terms of the expenditures we have over in Iraq, all Americans, I believe, say: Why aren't we investing in Americans? Why aren't we investing in our children, in our families, in education, in health care, in training? Why aren't we doing the things which are going to make this Nation stronger in the future? Why are we going to face a veto by this President on these important priorities?

Make no mistake, it is a major mistake for this President to do so. I hope he will reconsider his position.

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 that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the quorum call the time in the quorum be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I support the motion to waive rule XXVIII. If the motion to waive is defeated, the Military Construction-Veterans Affairs bill will be stricken from this conference report.

Frankly, I am a little bit tired of the political games the administration plays with the health care of our veterans. It is the President's veto threats that necessitated the combining of the Labor, HHS, and Education bill and the Military Construction-Veterans Affairs bill. The President has threatened to veto 10 of the 12 appropriations bills—10. This President is insisting that Congress strip $22 billion for homeland security, for educating our children, for NIH, and for fighting violent crime from the 12 bills. President Bush's budget request simply did not meet the needs of a veterans population that is suffering from the pressures of war.

The number of disabled veterans, the type of injuries, and the mental health services needs produced by this horrendous Iraq war are well beyond the President's shortsighted budget request. Congress, on a bipartisan basis, recognized that the President's request for veterans programs was out of touch with reality, and we increased funding above that inadequate request by $3.7 billion. The President's own bipartisan study found that the veterans health care system is in need of dramatic reform. Yet President Bush, our President, has not requested one thin dime, not one thin additional dime for veterans health care to implement much-needed reforms. When faced with the dire political consequences of this bad budget decision, the President, our President, President Bush, did a political dance and finally agreed to the additional spending approved by Congress for our veterans. But—the conjunction ''but''—the President insisted that Congress find $3.7 billion of savings to pay for it in other bills.

Did the President—our President—cut his request for a 12-percent increase in foreign aid to pay for it? No.

Did the President, our President—your President, my President—did the President reduce his—the President's—request for a 10-percent increase for the Department of Defense to pay for it? Did he? No.

Did President Bush identify $3.7 billion of savings from his meager and inadequate budget for education or the National Institutes of Health to pay for it? No.

President Bush, our President, brandishes his veto pen and refuses to participate in any attempt to correct his failed budget. Meanwhile, veterans health care, our children's education, vital health research, and other programs important to our citizens are at risk. As long as the President—our President, President Bush—as long as the President links veterans funding to his demand for cuts in other vital domestic programs, Congress has no choice—none—but to bundle these bills together.

His plan, the President's plan, to veto the Labor-HHS and Education bill, and sign the Military Construction-VA bill would force Congress to make dramatic reductions in such areas as education funding, funding for the National Institutes of Health, and funding for low-income home energy assistance.

Those decisions would be very bad decisions, and every Member of the Senate knows it or ought to know it. The Labor-HHS and Education bill passed the Senate by a vote of 75 to 19. The Military Construction-Veterans Affairs bill passed the Senate by a vote of 92 to 1.

Bundling these bills is not an effort to jam the Senate with controversial legislation. These bills were fully debated. Any Senator could have come to the floor to offer amendments to reduce funding in the bill. Any Senator who votes ''no'' on the motion to waive has a responsibility to come down to the floor and show down on the $3.7 billion of cuts that Senator would propose for such programs.

This bill could be on the President's desk tomorrow. Any Senator who votes ''no'' on the motion to waive rule XXVIII has a responsibility to explain to veterans why that Senator refused to tell the President of the United States that he needs to sign this legislation. I urge a ''yea'' vote on the motion to waive rule XXVIII.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very proud that this afternoon we are considering a very important bill that will fund not only the important investments in health, education, and the workforce but also historic increases in spending for our veterans and for their families.

Chairman HARKIN and Ranking Member SPECTER have put together a great Labor-HHS bill. I am very proud to support it. But this afternoon I want to take a little bit of time to speak directly to the importance of the Military Construction-Veterans Affairs portion of this package, because today it is in grave danger of being blocked by bipartisan gamesmanship.

Our servicemembers in Iraq and Afghanistan and from so many conflicts before have done absolutely everything we have asked of them. They have answered the President's call to war with the honor and sense of duty we have come to expect from our Nation's bravest men and women. They have performed under enormous pressure in the middle of a civil war. They have left loved ones behind who count on them. They continue to put their own lives on the line every single day.

Now, unfortunately here at home, this administration has not been committed to care for them when they come home. From poor conditions at VA facilities around the country to a lack of PTSD counselors, to a benefits claims backlog that keeps our veterans waiting for months and sometimes amazingly even years, this administration has failed to account for our Nation's veterans as a part of the cost of this war. It is unacceptable that servicemembers who return from fighting overseas are being forced to fight their own Government for the care and the services we have promised them.

Democrats today on this floor are working to reverse the Bush administration's failure to care for those heroes. We have produced a funding bill for our veterans that includes $3.6 billion more than the President asked. After years of Bush Republicans cutting corners on our veterans, we have, with this bill, offered an honest assessment of what these men and women need.

This bill takes into account the extra strains that have been put on our VA system from our simultaneous wars and the new battlefield realities that are present today. It includes nearly all of the ''independent budget,'' a recommendation that has been compiled by our veteran service organizations. It makes investments that will improve health care and expand mental health services and allow construction for vitally needed new facilities.

It is going to mean more qualified health care workers, better prosthetics, and more accessible veterans facilities. It is going to ensure our veterans get their earned benefits, see improved conditions at VA facilities, and get better treatment for PTSD, traumatic brain injury, and catastrophic injury.

Most of all, though, this bill means that after years of neglect, our Government, the United States of America, will again honor the sacrifice of our veterans with the care they deserve.

We are also making sure our troops are ready and that they receive the training they need. That is why I was so pleased about the military construction investment this bill makes across the country and especially in my home State. My home State of Washington's military facilities play an important role in our nation's security, from Fort Lewis in Tacoma, which is training the Stryker brigades—they are at the center of the fight in Iraq—to Fairchild Air Force Base in Spokane, which plays a major role in our air defense; to Naval Air Station Whidbey Island, which patrols our Pacific shores.

This bill ensures they are going to get funding they need, like all of our military facilities nationwide. In Washington State, it means more than $635 million in improvement for Washington's military installations.

One of the best things about this bill is it won such huge bipartisan support when it passed the Senate on a vote of 92 to 1—92 to 1 it passed the Senate. It does not get much better than that for a bipartisan, strongly supported piece of legislation.

Unfortunately, today Republicans seem to be willing to jeopardize all the good, critical, important matters that have been put into this bill which they said they supported, in order to play a procedural game that is designed to stop this important bill in its tracks. I think that is a shame.

Now they are going to say, and the President will echo them, that the bill before the Senate is too expensive. They will say we should have not joined the spending for veterans with spending for health care, education, and job training.

In the same breath, they are going to say this money for veterans is critically important and should be sent to the President before Sunday. Well, I agree with my 91 colleagues who supported this bill the first time we voted on it, and I agree we need to get it signed into law as soon as possible, and we can do that very easily by voting for it today, along with this package. It will go to the President by dinnertime.

Most importantly, veterans would go to sleep tonight knowing that the vital projects in this bill are on the way. But I fear that is not going to happen. Instead, now we have Republicans who are going to make a cynical political move and block this money for our veterans because we have combined it with the Labor, Health and Education spending bill.

The President objects, apparently, to combining those bills. So I guess the Republicans are going to put their allegiances behind President Bush ahead of our veterans and say ''no'' to a bill that almost all of those Senators supported a few short weeks ago. I think that is wrong.

The Labor, Health and Education bill is a good one. It won the support of 75 Senators a few weeks ago here on the Senate floor. We are joining the two because both make critical investments in a broad range of urgent priorities. We need to stop playing political games with both of these bills and we need the President to sign them now. The Republicans and the President are complaining about this move today. But it is the American people and our veterans and their families, in particular, who will be hurt if this political move is made today to separate these bills. They will pay the price, those veterans and their families, for this roadblock.

Our goal is simple. We want to make up for something President Bush has failed to do while he has tried to build up our military. We want to be sure our veterans are getting the care they need.

As I told my friends before, George Washington was the one who famously observed that:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their country.

Today we want to reverse President Bush's failure and reaffirm this commitment. This bill keeps our military strong by honoring the sacrifices of our heroes and meeting their needs. When those men and women put on a uniform, they earn the right to a government that cares for them on their return. When we approve this bill, we will assure them they will get finally the care they need.

Veterans Day is just a few days away. I am confident every Senator on this floor will head home to acknowledge the veterans in their State, and rightfully tell them ''thank you'' for the tremendous service they have given to our country. I can think of no better time than this for us to forget the politics and do something positive for our veterans, for their families, and for our country.

I have listened to the other side and the President tell us time and again: We need to get the bills to the President. We need to get the appropriations bills to the President. That is what we are trying to do today, to get two of these critical bills to the President in a timely manner. I urge our colleagues to think twice about a procedural move that will not send to the President the critical funding we need for our veterans and our military facilities across this country. With one vote we can send those to the President, and by dinner tonight know we are doing our job for the country.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have mixed feelings about the conference report now before the Senate. The chairman and ranking member of the Labor, Health and Human Services Subcommittee and the Military Construction-Veterans Affairs Subcommittee have done excellent work in crafting their respective bills. These bills represent a reasonable blending of House and Senate priorities. They support critical national priorities in medical research, veterans' care, K–12 education, and military infrastructure. But the fact these two bills have been joined into a single conference report is unfortunate. The President has stated unequivocally he will veto the Labor-Health and Human Services bill in its current form.

By attaching the Military Construction-Veterans Affairs bill, the Democratic leadership has done nothing to change his mind. The bill will still be vetoed, and the veto will probably be sustained. Through the duration of that process, we will needlessly delay the availability of critical funding for veterans' care, and for the facilities necessary to support our Armed Forces.

There is no procedural reason that the Military Construction-Veterans Affairs conference committee could not meet this evening to approve the conference agreement under their jurisdiction. The House and Senate could then approve that conference report and get it to the President's desk for signature by Veterans Day.

That would be the right thing to do. The Labor-Health and Human Services bill could also be sent to the President, and both the Congress and the President would have been allowed to argue their respective fiscal priorities. Instead, we are being compelled to go through this procedural dance that adds nothing to the debate over fiscal policy and serves only to compound Congress's abysmal failure to get appropriations bills to the President.

I am acutely aware of past failures to enact appropriations bills in a timely fashion. I was chairman of that committee, and I remember how upset and frustrated I was when the Republican leadership wouldn't call up the bills. I couldn't believe it, an abdication of very important responsibilities of the Congress, a fundamental right and responsibility of the Congress to set the appropriations priorities. No one was more frustrated with the Senate's failure to consider these bills last year. I was particularly exasperated by our inability to get what appeared to be a noncontroversial Military Construction-Veterans Affairs bill to conference. That was as inexcusable then as it is now. But past failures don't make the current failure any more acceptable to me. The President has a right to veto bills. There is no way around that. This President has strong opinions about his responsibility to be involved in holding down Federal spending, keeping the budget under control. Why are we compounding our failure to present him appropriations bills by wrapping into Labor-Health and Human Services another bill that we all agree is important and that the President has said he will sign?

This procedure does nothing to change the substance of the debate,

and it only serves to further delay the appropriations process. There may come a point when vetoes of appropriations bills require us to go back to the drawing board and rewrite some of the bills at lower spending levels. There may also come a point in that process where I believe the funding levels advocated by the President are not appropriate or sustainable in certain cases. We have the right to disagree. Somewhere along the way, I remain hopeful we will reach an accommodation that will allow for enactment of individual appropriations bills at an aggregate funding level that is lower than the amount contemplated in the budget resolution. But to get to that point, we have to send the President some appropriations bills.

It is November 7. We have failed to send a single one to his desk. I hope the Senate will support the Hutchison motion so we can put two bills on the President's desk in short order and start to demonstrate to the American people that we are responsible, that we are acting on one of our most fundamental responsibilities, the passage of appropriations bills for the operation of the Federal Government.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, I also ask unanimous consent that I be given 10 minutes from the majority leader's time.

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

Mr. REED. Mr. President, we are here today at this juncture to talk about the point of order raised against combining the MILCON bill and the Health and Human Services appropriations bill. There is a large point I will try to make, which is that these bills are complementary in many real ways. Veterans, for example, do not live alone with other veterans. They have families who require education, Pell grants, Head Start funds, and all of that is within the purview of the Health and Human Services appropriations bill. Also, they are individuals, our veterans, who have earned their rights. But I don't believe they engaged in battles for this country and wore the uniform of this country to get a pension or to get a health benefit; they did it for a broader, much larger, much more noble purpose, and that was to build a decent and just America. Part of that is making sure children have immunizations, making sure children can go to good schools and disadvantaged children can enjoy health through the title I program; making sure talented young people can go to college with a Pell grant or a Stafford loan; the CDC can protect all of us from disease, and the NIH can use their resources to research breakthroughs in medicine and health care to benefit all of us. It is that vision of a decent, humane, and just America that ultimately compelled millions of Americans to wear the uniform of this country and defend it.

So the notion that we can arbitrarily or not arbitrarily separate these bills, I don't think it accords with one of the major functions of all of us as citizens, as soldiers, as Senators—to serve the greater good—and we are doing that, I think, with these two appropriations bills.

There is another point I think which is interesting to me. These bills have passed the Senate overwhelmingly. They would, I think, if they were separated, pass overwhelmingly. But it seems to me we are now in a situation where we can't combine them because the President has said: Don't put them together because I will sign one and veto the other, which presents my colleagues in the Senate a very interesting situation: After voting for the underlying bills overwhelmingly, do they support the President's veto? I hope we can avoid that.

I think we should send these bills together to the President today. We can do that. We can expedite the funding of the VA at record levels. We can fulfill our obligations to citizens across this country in many different ways by supporting this procedural approach of combining the bills, voting for the bills, and sending them to the President.

But the premise I think is we will separate them if this point of order is sustained, and then we will see the VA bill probably signed but then have to come back and negotiate a way for a bill we all support—the Health and Human Services bill. I don't think that is the right approach. The fastest way to get this legislation, with respect to veterans, to the President is to vote against this point of order, send it to the President, he can sign it, and next week we can celebrate Veterans Day with the largest veterans appropriations bill that we have ever passed. I think that is the route we should pursue. I don't think we should allow the President to dictate the terms.

One of the interesting things about the President's approach—particularly as we have talked time and time again about Iraq—is that: Well, the Congress can't tell me how to run policy; all they can do is fund or not fund the war. Well, here we are making a very bold, very assertive statement about funding the Veterans' administration, Military Construction, and Health and Human Services. But he says: Well, you can't do that. You can't tell me that either because I will veto one and I would not accept a package, even though it is a package of funding. Again, I think we have to—and we should—assert our will, particularly when it comes to the underlying legislation that passed this body with extraordinary—extraordinary margins. This would be, I think, a different debate if we had taken a bill that was popular and combined it with a bill that could not pass this body, or barely pass this body. Both of these bills have commanded I think strong support, and they should go forward and be signed by the President.

But there is another issue here, too, and it goes back to the initial point I made about there is a complementarity between these two bills, and it is a very direct and, I believe, powerful one. We have, for example, within the Health and Human Services bill, $228 million for the Veterans Employment and Training Program. It is in the Department of Labor. But if you are a veteran and you are looking for the training you need and employment opportunities because you have served your country honorably and well—and if we don't pass that Health and Human Services bill, that money will not be there. We have in the Department of Labor $23.6 million for the Homeless Veterans Reintegration Program. In fact, I dare say, there is too little attention being paid to homeless veterans. There was a report today that one in four homeless individuals are veterans of the military. That is a shocking and shameful statistic for this country. We have in this bill one of several programs—very small, but they help veterans. That is in the labor portion of the bill; that is not in the veterans' portion of the bill. Funding for the Department of Education, $1.26 billion to impact aid payments. Those payments are targeted to school systems that serve military installations, large populations not only of veterans, but of Active-Duty soldiers, sailors, airmen and marines. So we are saying: Great, we are going to give the veterans what they deserve, but for those veterans and Active-Duty personnel, we can't vote in this bill for $1.26 billion in impact aid. We can't provide their children the kind of school systems in adjoining neighborhoods to military posts that we think is adequate—not only adequate but we hope excellent.

So these bills are not distinguished in some respects. They serve the veteran population and the military population, and to suggest they are totally opposed and diametric is, I think, wrong.

In the area of health care funding, we went a long way in the Veterans' Administration bill to put significant resources into the veterans health care program.

In fact, for the first time, it exceeds the independent budget which veterans organizations present to us each year, when it comes to veterans health care, the largest increase in veterans health care, the largest appropriation we have ever given.

One of the areas we asked them to look at is traumatic brain injury, posttraumatic stress. We understand now because of the nature of combat and conflict in Afghanistan and Iraq, there

are thousands of young men and women coming back with traumatic brain injuries. They did surveys of returning brigades of some of our Army units and estimated that perhaps 20 percent of the troops might have some indication of traumatic brain injury—slight to moderate. Over time, this is an increasingly more difficult problem for the VA system. Of course, we have asked them to treat these individuals. But in the Health Resources and Service Administration—in the other appropriations bill, we have $9.5 million for the traumatic brain injury program.

We have billions of dollars for the National Institutes of Health, for their research, which will be extremely important if we want to understand the phenomenon of traumatic brain injury. Of course, if we don't move that bill today, this bill, along with the Veterans' Administration bill, at least temporarily we lose these funds.

So I think there is a synergy between the two bills. I think it goes back to not just the complementary programs; it goes back to what our veterans and our soldiers today are serving for—not self-aggrandizement, not a pension, or to get the benefits they have earned alone but for something bigger. Those men and women are not out there putting time in so when they get to be 40 or have 20-plus years of military service they get the pension. They are risking their lives so this country lives up to its highest ideals. If we cannot provide and pass a robust appropriations bill and get it signed by the President on Health and Human Services, we are not living up to our obligations and our ideals.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak against the waiver of the point of order—the waiver being the motion from the Senator from Iowa. I agree in part and disagree in part with the acting chairman of the Military Construction-Veterans Affairs Subcommittee.

Mr. President, two bills were passed by the Senate—one for Labor-Health and Human Services and one for Military Construction-Veterans Affairs. They are two separate bills because they are very different in nature. They cover very different areas. There was nothing in the bills that was the same. They are separate subjects, and they should be passed in the regular order.

I have heard criticism on the Senate floor and also in the conference committee of the President of the United States, as if he had told Congress not to combine these bills. The President never said any such thing. The President did exactly what I would expect a President to do in his relations with Congress and its understanding of the role of our two different branches of government—executive and legislative. The fact is, Congress chose to take two separate bills and put them together. All the President did was exactly what he should have done. He advised Congress that he was going to veto the Labor-Health and Human Services bill because it was nearly $12 billion over his budget request. When Congress said: OK, Mr. President, we are going to combine the bill that you have notified us you are going to veto with a bill that you have notified us you will sign, which is the Military Construction-Veterans Affairs bill, the President merely said: I have said I am going to veto the Labor-Health and Human Services bill, and I am putting Congress on notice. Congress can make the decision about how it wants to send the bills forward. The President can inform Congress of what he is going to do, which I think, frankly, is an advantage in that he has told us. The worst thing would be if he didn't tell us, if he just surprised us after we had worked in good faith on these bills. But he is not surprising us. He is telling us this is what he is going to do, and if we decide to play a game by putting two bills together, when he has told us he is going to veto one of them, the consequence will be that both bills are vetoed instead of just one.

Let's not put the President in this debate. The President is doing exactly what he should do. The Congress should do what is right. Congress knows the funding for military construction and the veterans is crucial, that there are new things in this bill that are not currently able to be funded. And the sooner we get this bill to the President, the sooner he can sign it, and we can provide these new priorities.

Where I agree with my distinguished acting chairman of the committee is that the bill is a good bill. We have come together in a very bipartisan way. We have worked out our differences, and we didn't have differences on the Senate side. We worked together on a very solid bill. We worked out our differences with the House on a bipartisan basis. The President agreed with us that it is a good bill. We all recognize that some of the best parts of the bill would be lost if there were another continuing resolution for Fiscal Year 2008.

Delaying base-closing commission implementation: As a Congress, we have required the Department of Defense to complete the implementation of the Base Realignment and Closure Commission report by 2011. Every day, every week, every month that we delay the BRAC funding is going to delay that implementation process. It is very important that we give our troops who are going to be coming back from bases in Germany and Korea the housing, the health care facilities, and the childcare centers that will provide a quality of life for our military personnel and their families. We owe them that, Mr. President.

We could send this bill to the President before the end of the week and make sure they have that funding. It is our responsibility to do it. It is our responsibility to do it in the regular order, when the regular order will give us a Presidential signature. It will also provide new research, new treatments, and added facilities for our veterans. We know our veterans are suffering from different kinds of injuries than in previous wars. We know we are saving more lives, but a higher percentage of our wounded veterans are returning home with burns, loss of limbs, traumatic brain injuries, and mental health problems. We know that. So we provide for that in this bill. We have done it in a bipartisan way. We have provided more treatment, more facilities, more emphasis, and more research on posttraumatic stress syndrome, traumatic brain injuries, better prosthetics, artificial legs and arms that are lost by the bombs being used by the insurgents. All of that is in this bill, which could go through on its own in the regular order and be signed by the President.

One of the things we have heard from our veterans month after month after month is how long it is taking them to get through the system from when they leave military service to begin receiving their benefits and even to enter into the VA health care system. It is ridiculous for them to wait months and months when we should have a seamless transition. What our bill provides is more employees to cut that backlog and give these new veterans who are coming into the system the opportunity to have a seamless transition. That is in the bill.

If we pass a CR, this year's priorities would not be in it. The bill contains funds to implement the recommendations of the Dole-Shalala Commission. The Dole-Shalala Commission is the Commission that was appointed by the President to look at the best way to improve the care and service we provide to Active Duty Military and veterans who have returned from battle. They made recommendations. They did a thorough study. These are two great Americans: Donna Shalala and Robert Dole. They came up with recommendations, and we begin to fund them in this bill.

Mr. President, why wouldn't we pass this bill as a stand-alone measure when we know it is going to be vetoed if it is combined with the Labor-Health and Human Services bill? It does not pass the smell test to combine these bills when there is no reason to. In the original House action, they combined Health and Human Services with Defense and Military Construction and Veterans. The Defense bill was separated out because the chairman and the ranking member agreed that it had no business under Labor-Health and Human Services. That bill, by agreement, was separated out. We didn't get that agreement on Military Construction. So now we are faced with having a point of order, under the newly passed rule by the Democratic majority, that says you cannot put something in a conference report that has not passed either House in that bill.

So the point of order is going to succeed. We all know it is going to succeed. Why do we play this game? It is a game that is going to affect veterans and military personnel and their quality of life. There is no reason, there is no substantive reason, and there is no logical reason.

I urge my colleagues, let's vote unanimously to separate these bills, send the MILCON and Veterans bill to the House and ask them to quickly appoint conferees. The bill is agreed to. We have hashed out the differences. We can still get this bill to the President before Veterans Day. What a great accomplishment for this Congress, what a great way to say the President and the Congress are in agreement on something. I think the American people are looking for that. We see that the ratings of Congress and the President are at an all-time low. Why not give the American people some confidence that we can accomplish something together for the good of the people? It is very easy, very clear that this is a bill the President says he will sign. Let's send it to him. There can be no logical reason not to.

I urge my colleagues to come together on a bipartisan basis and stop the game playing, especially with our veterans and our military families who are depending upon the new initiatives in this bill to be done, and we have the power to do it. Let's do our jobs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business, with the time coming from the majority leader's time.

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

DEMOCRACY IN PAKISTAN

Mr. HARKIN. Mr. President, I have come to the floor to strongly condemn General Musharraf's declaration of martial law in Pakistan, his decision to suspend that country's constitution, and his brutal suppression of freedom and democracy and human rights.

Since Saturday, General Musharraf of Pakistan has ordered the police and military to arrest thousands of lawyers, human rights activists, and political workers. At this very moment, as we dither in Washington, Musharraf's thugs—thugs—are cracking down on democracy advocates across that country. Lawyers in coats and ties are being viciously beaten in the streets and thrown into jail. One out of four lawyers in Pakistan has been arrested since Saturday—one out of every four. In Lahore, police are being given cash bonuses for beating and arresting lawyers. Any of us who have watched television have seen the scenes of lawyers being picked up by plainclothes policemen, pushed into vans, and the plainclothes thugs beating them on the heads and backs as they pushed them into vans. This is especially sad and ironic inasmuch as the founder of Pakistan, the much revered Muhammad Ali Jinnah, was himself a lawyer trained at Lincoln's Inn in London.

Since 9/11, the United States has given General Musharraf and Pakistan more than $10 billion in aid, supposedly to crack down on the terrorists, the Taliban, and al-Qaida in their sanctuaries in Pakistan. Instead, General Musharraf is cracking down on lawyers, political opponents, and human rights activists or anyone who dares to stand in his way of total power in Pakistan.

Pakistan's Chief Justice, Iftikhar Chaudhry, is under house arrest, and the widely admired chair of the Human Rights Commission, Asma Jahangir, with whom I have met twice when I was in Pakistan—on two of the occasions I have been in Pakistan, I met with Asma Jahangir. She is a wonderful, lovely woman fighting for human rights for people in Pakistan. Her house has been declared a ''subjail'' by the Government.

What crimes have these people committed? They are guilty only of speaking out against General Musharraf's claim of absolute, unchecked power.

These are truly the actions of a desperate man. Obviously, General Musharraf is worried that the supreme court would rule in favor of those opposing his latest attempt to hold on to the Presidency and to remain a general in charge of the military at the same time. This is a blatant violation of international human rights standards enshrined in Pakistan's own constitution. General Musharraf has also cracked down on the independent media, shutting down all private television channels and radio stations.

What has been the reaction from our President and Secretary of State to this brazen violation of human rights and the democratic aspirations of the Pakistani people? President Bush has said he is ''deeply disturbed.'' He has pointedly refrained from saying anything or condemning General Musharraf's actions.

I guess what set me off today was Negroponte. Deputy Secretary of State Negroponte told Congress on Wednesday that President Pervez Musharraf is an '' 'indispensable' ally in the U.S.-led war on terrorism. . . .'' I am sorry, Mr. Negroponte, Mr. Musharraf is not an indispensable ally. The Pakistani people are an indispensable ally in our fight against terrorism. What a double standard.

Look at how the administration responded when Myanmar's military regime cracked down on prodemocracy protesters in September. Oh, my gosh, we condemned them to the high heavens—rightfully so. Now here is General Musharraf doing the same thing in Pakistan and barely a peep from this administration. And then we have Negroponte, who has shown his colors in the past by calling dictators in Latin America in the past, now coming out saying Musharraf is indispensable. What does that say to the Pakistani people? What a double standard. No wonder the United States is held in such low esteem around the world today when we have President Bush and Mr. Negroponte taking after the brutal dictators in Myanmar, but, oh, not General Musharraf.

This is a profound mistake. This is the time to stand with the Pakistani people and not with the dictator who is dismantling their democracy. This is the time for the President to announce that he is suspending all U.S. aid to Pakistan except for humanitarian assistance directly related to the health, education, and human needs of the Pakistani people.

As of yesterday, President Bush has not even placed a call to General Musharraf. He should do so immediately. He should demand that the general immediately return the country to constitutional rule, restore freedom of the press, and unconditionally release the lawyers, human rights activists, and opposition leaders who have been arrested since Saturday, and he should inform General Musharraf that the United States is suspending all assistance to Pakistan, except for humanitarian aid, until such action is taken.

The world's greatest democracy, the United States, cannot turn a blind eye to the tragedy unfolding in Pakistan today. The time to act is now, and if the President will not act, I am prepared to work with my colleagues in Congress to suspend all assistance, except humanitarian aid, to Pakistan and to do it as soon as possible.

As I said, since 9/11, we have provided more than $10 billion in aid to Pakistan. The overwhelming amount of this went to the military to boost its capacity to fight terrorism. But, unfortunately, the Pentagon and OMB have very little transparency or oversight of just how that money is being used or has been used.

In fiscal year 2007, Pakistan received an average of $83 million a month at a time when Musharraf had negotiated a so-called peace arrangement with tribal leaders and was not even conducting counterterrorism operations in tribal areas. I think it is time for our GAO to look into where this money went, and I will be working with my colleagues on the Defense Appropriations Subcommittee to ensure that Congress is provided an accounting of all these expenditures. There are too many rumors, too many stories being told around Pakistan that a lot of this money has found its way into the pockets of high-ranking people surrounding General Musharraf.

Now I am told that some of our military money is being spent by Pakistan

on Harpoon missiles. These are antiship missiles used in naval warfare. Why in the world do they need these missiles? Is al-Qaida operating major surface warships? Hardly.

While this administration and Mr. Negroponte say that Musharraf has been a partner in the war on terror, the evidence is different.

Recently, Musharraf entered into a peace agreement with Baitullah Mehsud, a well-known Taliban supporter and sympathizer who operates in south Waziristan. This is the tribal area bordering Afghanistan where it is thought that maybe Osama bin Laden is hiding out. General Musharraf agreed to withdraw all Pakistani troops from the area and release 25 Taliban militants.

Additionally, Mr. Mehsud would not even agree to stop dispatching fighters to Afghanistan, where suicide bombings against American and NATO forces have dramatically increased this year. Just yesterday, there was a horrific Taliban bombing in northern Afghanistan, with dozens of people killed, including at least six members of the Afghan Parliament.

I ask: Why is General Musharraf making deals with the sponsor of attacks such as this? Is General Musharraf helping or hurting our fight against militant Islamic extremists in Pakistan? He makes an agreement with a known Taliban supporter, but he won't make any agreements with lawyers and human rights activists in Pakistan.

It is time for the Bush administration to make our efforts in Pakistan more effective. We need a real partner in this fight, not General Musharraf. He has severely undercut his ability to effectively fight terrorism. It is time to understand that only a government that is supported by its people will actually have the ability to crack down on extremists who seek to hurt and harm American interests.

The people of Pakistan have spoken out. They do not want Musharraf, but he is not listening. He is a dictator, and he is going to stay there, and he is going to trash the Constitution, he is going to jail lawyers and human rights activists and members of the supreme court.

Just remember, Musharraf came to power in a coup d'etat in 1999, ousting the democratically elected Prime Minister Nawaz Sharif. He assumed the title of chief executive. Later, he assumed the office of President of Pakistan, all the while remaining commander in chief of the military. Now he is seizing absolute power.

I have come to the floor many times in the last 13 years to speak about America's relationship with Pakistan, to praise Pakistan and the Pakistani people as a steadfast ally going back for more than half a century. I have been to Pakistan many times. Make no mistake, I am a friend of the people of Pakistan. I admire them greatly. They have been great, strong friends of the United States for over 50 years. In the fight against communism and in every war we have ever conducted, they have helped us out. But at this time, I must speak out about the grave injustices being inflicted on the Pakistani people by General Musharraf in his grab for absolute power.

In the months and years ahead, the people of Pakistan will be asking: Who stood with us against General Musharraf's attempt to destroy democracy and seize absolute power? That is why it is so important that we in Congress, and the President as well, make it clear that we stand with the Pakistani people and Pakistani democracy and the rule of law and we reject Musharraf's power grab.

ROBERT H. CLAMPITT FOUNDATION CHILDREN'S PRESSLINE

Ms. LANDRIEU. Mr. President, I rise to speak about a provision in this bill that I sponsored. With funding in this conference report designated in the fund for the improvement of education, the Robert H. Clampitt Foundation's Children's PressLine will establish a New Orleans bureau to teach journalism skills to at-risk youth in New Orleans.

Using an oral journalism methodology created 31 years ago by its predecessor, Children's Express, New York City-based Children's PressLine, CPL, has a proven model of civic engagement and issues awareness by youth that facilitates the participation of children of all ages and literacy levels. Every year, CPL enables more than 75 children and teens to be trained quickly and easily, empowering them with real-world critical thinking, learning and writing skills outside of the constraints of a traditional classroom environment. This CPL model has a proven track record for creating an engaging program that teaches critical professional skills and media literacy in a format that invests children in the lasting journalism that they produce.

This funding would provide for CPL personnel to work with local education and community leaders to establish a New Orleans bureau, implementing the CPL model for youth training and development. In the spirit of CPL's acclaimed ''In Search of Faith'' project following 9/11, the bureau's youth reporters would apply their skills to creating an oral history of children's experiences recovering from Hurricane Katrina. As CPL content is syndicated nationally through the Scripps Howard News Service and through online news sites including PBS OnlineNewsHour, the program would also create a national forum for children's voices to be heard.

By sharing their poststorm experiences with a national audience, these children will both process their traumatic experiences in a creative way, while also developing important writing skills that will bolster their academic achievement. These types of creative programs are critical for children's development, particularly after a traumatic experience, and we are excited that CPL will now have the resources necessary to build a New Orleans bureau and work with children who will benefit greatly from the program.

Mr. HARKIN. Thank you to the senior Senator from Louisiana for speaking so eloquently about the benefit that her State will get from funding in this bill. I understand there has been some confusion about the intent of this funding. I want to assure my friend from Louisiana that I will communicate to the Department of Education that the intent of this funding is to help children in New Orleans.

Mr. SPECTER. I will join the chairman in his efforts to clarify this provision.

Ms. LANDRIEU. Thank you to the chairman and ranking member for their efforts.

Mr. MCCAIN. President, I wish to discuss the appropriations package before this Chamber today. We find ourselves, once again, dealing with the bulk of our Nation's spending bills at the end of the year, behind schedule, devoid of the careful consideration these important measures warrant. It is distressing that year after year, the Congress fails to produce legislation on time and free of unrequested, unauthorized, and wasteful spending. It is unfortunate that this year is no different.

In hopes of avoiding a veto from the President on a bloated Labor, Health and Human Services appropriations bill, the majority has decided to lump the bill together with the popular Military Construction-Veterans Administration appropriations bill. Instead of allowing this body to consider each bill on its own merits through robust and transparent debate, the majority and its members of the appropriations committees have attempted to shield their wasteful ways with the treatment and well-being of our servicemen, women, and veterans covered under the MilCon-VA bill. Not only is this an unconscionable tactic, it also is a violation of Senate rules, specifically rule XXVIII and represents the continued devolution of our annual budgeting process. I am confident that there will be enough collective wisdom mustered today to uphold the Senate rules and send this conference report back to the House.

Let us address briefly the reasoning behind the President's threatened veto of the underlying bill. The Labor-HHS bill currently stands $9.8 billion above the President's request, and $841 million over the Senate-passed level. Not only is this an unacceptable inflation of the original funding request, but it also highlights the egregious practice of earmarking funds. During conference, behind closed doors, there were at least 117 earmarks added to the Labor-HHS portion of the bill, and an additional 109 earmarks inserted into the MilCon-VA portion. Overall, the package before us today contains an eye-popping total of nearly 2,200 earmarks. I am ashamed of this graphic

display of waste. It is disconcerting that in this time of necessity for our men and women returning from service overseas, lawmakers have attempted to hijack a bill vital to ensuring their proper care and treatment.

As usual, the majority of earmarked funds in this bill will go to the States represented by members who serve on the appropriations committee. I have long stressed the necessity of reforming the excessive and irresponsible ways of earmarking, and the state of the bill before us today only reinforces that need. And to think, less than months ago, most Members heralded the enactment of the Honest Leadership and Open Government Act of 2007, believing it would change business as usual. Well, it hasn't.

Allow me to take a moment to highlight a few earmarks of particular note: $350,000 to study the relationship between residential floor coverings and distributive patterns of airborne particulates in Smyrna, GA; $320,000 for the American Jazz Museum, Kansas City, MO; $400,000 for a study of the feasibility of establishing a graduate school in the medical sciences at Radford University in Radford, VA; $130,000 for the First Ladies Museum in Canton, OH; $325,000 for the South Florida Science Museum, West Palm Beach, FL; $150,000 for the Italian-American Cultural Center of Iowa in Des Moines, IA; $150,000 for the American Ballet Theatre in New York, NY; $1.42 million for the virtual colonoscopy outreach program at Marshall University in West Virginia; $100,000 for the Kansas Regional Prisons Museum; $250,000 for exhibit preparation at the James K. Polk Presidential Hall TN; $75,000 for the Monterey Bay Aquarium in California; $211,900 for exhibit preparation at Utah Art and History Museum.

While some in this body may feel that it is in our vital national interest to spend $350,000 of the American taxpayers' money to study the spread of dust on residential floor coverings, I simply disagree. The above,mentioned projects are only a small snapshot of the many, many other wasteful items tucked away in the 853 pages of this bill.

Our Nation remains at war, and as a result we continue to see our brave service men and women in uniform returning home in need of comprehensive and effective care from our VA system. It is our responsibility as Members of Congress to address the needs of those who have born so valiantly the sacrifices of armed conflict by providing our VA system with the resources needed to accomplish its mission. The President has stated publicly his intention to sign a clean version of the MilCon-VA bill when it reaches his desk. However, rather than addressing the needs of our veterans in a timely fashion, the majority has chosen to unnecessarily delay passage of this vital bill. The American taxpayer expects more of us, as do our brave service men and women who are fighting abroad on our behalf. We must stop these Washington games and return to placing our Nation's interests before our own.

Mr. ENZI. Mr. President, I wish to address the pending legislation, the conference report for the Labor, Health and Human Services, and Education Fiscal Year 2008 appropriations legislation, which has been combined with the Fiscal Year 2008 Military Construction VA appropriations legislation.

I encourage my colleagues to cut right to the chase. Packaging these bills together is an effort to force President Bush to sign the Labor-HHS appropriations bill, which he opposes and will veto, by combining it with a Military Construction Veterans funding bill that cleared the Senate with almost unanimous consent. We ought to be working to write funding bills that are acceptable on both ends of Pennsylvania Avenue and debating these conference reports separately. Instead what we are seeing is 2008 election year politicking at work.

I voted against the Labor-HHS appropriations bill on the floor because of the overall spending level, which was roughly $9 billion over the administration's request. Now I understand that this portion of the conference report grew by an additional $840 million beyond what the Senate passed. The level of spending in this title of the conference report is excessive and will add to the huge financial burden we are leaving for our children and grandchildren. So while this legislation is well intentioned, I cannot support it. Nine billion dollars may not seem like much money in the context of a budget that totals more than $2 trillion. But the cumulative effect of excessive spending will total in the tens of billions in any given year unless we act to maintain some form of fiscal discipline. Some of the additional spending, particularly related to education, I support—but the vote being cast today is in relation to the entire $151 billion discretionary package, which on the whole I do not believe should be approved.

The military—veterans title of this package first passed the Senate by a vote of 92 to 1. I supported this bill on the floor, which was $4 billion over the administration's request, because I agree with the vast majority of the policies and support the increased commitment to our Nation's veterans during a time of war. I fully support this portion of the conference report—and my understanding is that if the Congress presented this title to the administration as a free-standing bill, the President would sign the legislation. So what we are seeing on the floor of the Senate here today is the majority party's willingness to use whatever means necessary to get their way on excessive domestic spending—even if it means stalling a bill that would provide immediate resources to our Nation's veterans. Rather than working for the best interests of our veterans, they are being used for political theater. That, to me, is shockingly bad judgment.

I understand that a point of order lies against this package for violating Senate rule XXVIII, and that it will be raised this afternoon. I will vote to sustain the point of order because the end result could be President Bush receiving the Labor-HHS title and the military-veterans title as free-standing packages. Thus the military-veterans package would be signed and needed funds for our veterans will be available.

My understanding is that, for a variety of reasons, the President will veto the Labor-HHS title. The administration has been vocal about their concerns for some time, so this should not come as a surprise to my colleagues. The Senate has been on notice.

I tried to improve the Labor-HHS title during the floor debate by offering an amendment dealing with the Ryan White HIV/AIDS funding formula. My amendment was accepted by a rollcall vote of 65 to 28, but dropped during the conference process. My amendment simply ensures that the current Ryan White funding formulas would not be altered by this appropriations bill, neutering a provision in the underlying House bill that changes the formula that was unanimously agreed to in the Senate just last year. We agreed the money would follow the patients. The conference report will revert to waiting lines, while providing San Francisco a funding increase—even though they receive money in part for people who are already dead.

Last December, the House and Senate passed by a overwhelming majority authorization legislation for Ryan White. Our recent revisions to Ryan White ensured that no large city lost more than 5 percent of its formula funding from the previous fiscal year. In addition to the formula funding, cities sometimes receive additional supplemental funds to deal with severe need. To ensure more stability, we reduced that supplemental funding—from 50 percent of the total to one-third of the total appropriations—to provide additional formula funding.

The House provision I mentioned, which Senator FEINSTEIN stated on the Senate floor was a ''Pelosi fix,'' funnels $9.4 million away from the current Ryan White Fiscal Year 2008 formulas so that 11 cities could benefit from yet another hold harmless provision for Fiscal Year 2007. This new, retroactive hold harmless provision is added on top of the hold harmless provisions under the current Ryan White funding formulas. While some have called this a stop-loss, it is still a change to the funding formulas because it alters how the appropriations dollars would be directed to cities receiving Ryan White funds. This is a retroactive application of the stop-loss, applying to 2007 grant awards, not 2008 grant awards. Quite frankly, this earmark ensures that 11 cities arbitrarily receive additional funds for Fiscal Year 2007 at the expense of 45 other cities.

Even though my amendment was supported by a majority of Senate conferees, it was dropped in the conference negotiations. Because no amendments were allowed during the conference meeting, there was no chance for all conferees to take an up-or-down vote. Is this democracy at its best? Our constituents deserve a better, more fair process.

As I said previously during the Labor-HHS floor debate, I stand ready to work with all of my colleagues on a compromise product that can garner support from both the legislative as well as the executive branch of our Government. It is unfortunate that we have to waste yet another week on this political exercise, rather than using that time to write a quality compromise product that can actually become the law.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The majority leader is recognized.

Mr. REID. Madam President, I alert my distinguished counterpart, Senator MCCONNELL, that I am going to use 4 or 5 minutes of leader time. So if he needs more time, I alert him to that fact. Our time is basically gone. I didn't know that when I came to the Chamber.

Mr. MCCONNELL. Madam President, I am prepared to use a couple minutes of my leader time.

We have before us a combination of two bills—the Labor, Health and Human Services bill and the Veterans bill. We know the President will sign the Veterans bill. He has been hoping to get it for the last couple of months. We know he will veto the Labor, Health and Human Services bill. So Senator HUTCHISON from Texas has made a point of order that the Veterans bill should not have been placed into the Labor-HHS bill in conference.

The principal reason for sustaining that point of order is to separate these bills and give us a chance to get a Veterans bill to the President by Veterans Day, which is next Monday. Today is the last day the House of Representatives could appoint conferees on this bill in order to get it to the President by next Monday, Veterans Day. So the only way we can get a signed Veterans bill by Veterans Day is for the point of order to be sustained, thereby separating these two bills and giving us a chance to get the job finished for our veterans, who richly deserve this important bill, by next Monday on Veterans Day.

I urge my colleagues to vote to sustain the point of order, to give us a chance to get these bills separated and get this much needed relief to our veterans by next Monday, Veterans Day.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the Labor, Health, and Education bill passed the Senate with 75 votes. When the bill originally passed the Senate, I applauded my Republican colleagues for joining with us in such great numbers to support a bill of such great importance to our country's domestic well-being.

This bill makes significant investments in education, and isn't it right that we do that? It supports the No Child Left Behind programs such as title I grants. In one school district in Nevada, 315,000 students go to that school district. I have another school district in Nevada that has 88 students in it. We have 17 superintendents of schools in Nevada, but I have met with every one of the superintendents, and they believe the No Child Left Behind Act is really creating problems. Whether it is a big school district or a little one—problems. One of the big problems is the financial aspects of it are too short.

The conference report that is before the Senate will do something to magnify our ability to educate children with disabilities. That is the right thing to do. Why should the burden be left with local school districts? That money is taken from programs that enrich schools and is used to take care of a Federal mandate—educating these children. I support educating those with disabilities—physical, emotional, mental disabilities. They should be educated. But we required the States to do that. We should step forward. We have not done that. This bill conference report does that.

This legislation helps families pay for college with Pell grants and other aids. It is important that is done.

This legislation supports our economy and the well-being of our workforce with job-training programs for adults, young people, and dislocated workers, and supports funding for the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health.

For health care, it makes critical investments, including local health care centers like community health care centers, to improve access to care and train nurses and other health care professionals.

I can remember as a young Senator, Senator Moynihan was back there. He sat right back there. We were debating, at the time, one of the problems of the day—homelessness. Senator Moynihan said to me—he said it as a professor would tell a student—he said that one of the big problems with homelessness is we haven't lived up to our obligation as a Congress. When we emptied the mental institutions around the country, one of the obligations we had was to have community health centers so these people could go back and have their medicine readjusted. He said we have not done that. Very few community health centers exist, and this is the reason we have so many homeless. This legislation doesn't cure it, but it helps, it helps with community health centers.

In this legislation, crafted by Senators HARKIN and SPECTER, there are new funds for medical research to study diseases such as diabetes, cancer, Parkinson's, and Alzheimer's.

I had a conversation with J.C. Watts yesterday. He is retired from Congress but an All-American quarterback from Oklahoma, a great athlete. He said: Have you seen David Humm lately? I said: No, I haven't. David Humm was an All-American from Nebraska, and, of course, J.C. Watts knew of him and knew him. I told him: You wouldn't know David Humm. Handsome—he should have been a model. He played college football. He played professional football for 10 years. But he was stricken with multiple sclerosis. David Humm is very sick now.

You think of people like David Humm when you recognize that we need to do medical research. This legislation increases funding for diseases such as multiple sclerosis. It gives the National Institutes of Health resources to do things in medical research that they cannot do unless they get money.

Right now, people who want to do medical research are stymied. They know they make these applications to the National Institutes of Health, and if they are lucky, one out of every five grants will be funded, so a lot of people don't bother to even apply anymore because their chances are so remote that they are going to be able to do their medical research. This bill will help.

This legislation fights poverty with community service block grants and social service block grants. It adds money to programs such as Head Start to keep kids healthy and start them on a path to good education and helps families cope with ever-rising energy prices.

It does it all. It works in tandem with the VA portion to support America's veterans with funds for the Substance Abuse and Mental Health Services Administration. There is money in this to support the Department of Labor's veterans employment and training programs to help returning troops.

There are additional moneys for emergency and hospital care, rehabilitation, education, and long-term support for Americans with traumatic brain injuries.

It is a good partner with the bill that is part of this conference report, the veterans aspect of this. In the Labor-HHS bill, there is care for homeless veterans, who comprise an outrageous 23 percent of America's homeless population. If you see a homeless person on the street, you can bet, No. 1, there is a 25-percent chance that person is a veteran. What a shame.

The priorities I talked about here are not Democratic or Republican priorities; they are American priorities. We all want to keep our economy strong and growing, we all want to provide our children with keys to unlock a future of limitless opportunity, and we all want to give every American a chance to share in the blessings of our country. The bill now before us reflects those ideals in a responsible way. Yet President Bush has threatened another veto.

Remember, ''veto'' is a new part of his vocabulary. He has been President for 7 years, and that is just something new he has picked up. In fact, he has threatened to veto all 12 appropriations bills before they were even written. He has already vetoed children's health insurance and is threatening to veto the farm bill, which is bipartisan legislation that both sides of the aisle have worked hard to write. In the 7 years of his Presidency, after having rung up record deficits and debt with his tax and spending policies that were rubberstamped by a Republican-dominated Congress, President Bush has suddenly decided to act as if he has newfound fiscal discipline.

Given his fiscal record, everyone should understand the President's latest stand is driven by partisan politics rather than a desire to pursue proper fiscal policy. I understand that. I am sure many of my colleagues on the other side of the aisle understand that. We all do understand it, but it is irresponsible. His failed Presidency has left him with little else to become relevant. But he should not attempt to score political points on the backs of our veterans who have given so much to our country and received so little in return.

We have, in this conference report, $4 billion more than he asked for. Why? Because it is needed. The President should not attempt to score political points on the backs of working families who are struggling mightily after 7 years of his failed economic policy. Gas prices in Nevada are way over $3 a gallon now, and they say they will arrive at $4 a gallon. The President should not attempt to score political points on the backs of children in need of a good education, those who are ill and in need of a cure and those who are homeless in need of a place to sleep.

He should not, and we must not let him, and we have that right here. We have the ability, and we have that obligation when we vote on this later today.

Some Republicans are seeking to separate the two bills—to force a vote just on the VA bill and vote just on the Labor-HHS bill. If we do that, here is what happens. This bill will go back to the House with only the Labor-HHS bill. That is all the President will get. He will not get the veterans bill. At some time he will get it, but he could have it today. Remember, one bill we passed by 92, the other one by 75. Why would people change their votes? They agreed on these two bills. We have not changed the amount of them.

So I hope we can do both of these bills. With the same bipartisan support that has brought this bill to the floor, we can pass it and send it to the President. We can get aid to veterans before Veterans Day. We can start investing in America's domestic priorities right away.

We must not dance around the reality of the situation. President Bush wants these bills separated so that he can pressure us to make even deeper cuts in education, health care, and homeland security. Why do you think increases were made in the Labor-HHS bill? To help the American people as we see it. We are an equal branch of Government.

The President and some of his allies here in the Senate are sure to recycle their well-worn language that we are holding up funding for veterans. That is false. It is untrue. We stand ready to pass this bill today. We stand ready to make right the awful conditions many veterans face as a result of this administration's neglect. We will not take from Peter to pay Paul. We need not make that choice.

Mr. President, 92 Senators who voted for the VA bill believe it sets the right priorities for America. I do too. Clearly, the 75 Senators who voted for the Labor-HHS bill believe it, that it sets the right priorities for America.

What we have before us now are the same priorities. They have not changed. I urge my colleagues to do the right thing.

We are the legislative branch of Government. The Founding Fathers, in setting up this wonderful country with our Constitution, made three separate and equal branches of Government. We, the Congress, do not serve under the President; we serve with the President.

Why in the world would Senators who voted 75 in number now suddenly vote against the bill for which they voted? That is what they are doing. Why wouldn't we just send this whole piece of legislation to the President? Seventy-five Senators voted for one part of it; 92 Senators voted for the other.

Be the legislative branch of Government; that is who we are. Don't kowtow to the President. We did what we thought was right, and it is unfair for him now to tell us how we should legislate.

I ask that Senators vote the way they did the first time around: 92 supported the VA bill; 75 supported the Labor-HHS bill. They are both badly needed for this country.

Madam President, if we have remaining time, I yield it back.

Mr. MCCONNELL. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to waive the point of order. 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), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Arizona (Mr. MCCAIN) and the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 46, as follows:

[Rollcall Vote No. 404 Leg.]

YEAS—47

Akaka	Harkin	Murray
Baucus	Inouye	Nelson (FL)
Bayh	Johnson	Nelson (NE)
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Mikulski	

NAYS—46

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Barrasso	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

NOT VOTING—7

Biden	Clinton	Obama
Brownback	Dodd	
Bunning	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the language that is the subject of the point of order is stricken.

The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I am not going to exercise my privileges under the unanimous consent request.

The PRESIDING OFFICER. Under the rule, the Senate now considers the question of whether the Senate should recede from its amendment to the House bill and concur with a further amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The 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), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator

from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.''

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 405 Leg.]

YEAS—56

Akaka	Feinstein	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Cochran	Levin	Stabenow
Coleman	Lieberman	Stevens
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Craig	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	

NAYS—37

Alexander	Domenici	Martinez
Allard	Ensign	McCaskill
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hagel	Shelby
Coburn	Hatch	Sununu
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Crapo	Isakson	Warner
DeMint	Kyl	
Dole	Lott	

NOT VOTING—7

Biden	Clinton	Obama
Brownback	Dodd	
Bunning	McCain	

The motion was agreed to.

Mr. BROWN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1495

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, November 7, when the President's veto message on H.R. 1495 is received, it be considered as having been read, spread in full in the Journal, and printed in the RECORD; that there then be 3 hours of debate on the message with the time divided as follows: 45 minutes each for Senators BOXER and INHOFE, 90 minutes under the control of the Republican leader or his designee; that upon the use or yielding back of time today, the message be set aside to occur following morning business tomorrow morning, Thursday, November 8, at which time there be a total of 30 minutes remaining for debate, with 7½ minutes each for Senators BOXER and INHOFE and 15 minutes for the Republican leader or his designee; that upon the use or yielding back of time, with no further intervening action, the Senate proceed to vote passage of the bill, the objections of the President notwithstanding.

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

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor to urge my colleagues to override the President's veto of this important bill. There are many colleagues who want to speak tonight on the subject of WRDA, because this has been a team effort. Senator BOXER, the chairman of the committee, along with Senator INHOFE, ranking member, have worked hard and diligently to put a bill together which the vast majority of us support, and many colleagues are here tonight to speak. I will be very brief.

I want to speak about this bill because it is so critical to Louisiana. It is critical for us to give a green light to the people of south Louisiana and to the gulf coast who are still struggling to rebuild and put the pieces of their shattered lives back together because of the unprecedented two-punch storm—Katrina and Rita—and the breaking of the Federal levee system that should have held but didn't. We saw 285,000 homes destroyed. Because of the fires in California, as horrific as they were, screaming out of the mountains with the Santa Ana winds and scorching homes and neighborhoods, 1,600 homes were lost. Thousands of families were displaced and some businesses destroyed. But compared to Katrina and Rita, which is now 2 years in the past but is very close in the memory and hearts of the people still living there, we have to continue to remind ourselves and the Nation, it was 285,000 homes destroyed, unprecedented in the history of this Nation.

This bill in place lays a foundation for us to build on. It lays a foundation for security and prosperity. Frankly, without it, our long-term recovery is in jeopardy. This bill will authorize, not fund, about $7 billion in critical water infrastructure projects, the first real piece of Louisiana coastal restoration effort, the closing of a shipping channel that was literally devastating to the parish in which it lies, St. Bernard Parish. Every home was destroyed in that parish; 67,000 people who lived there saw their lives and businesses destroyed when the levees supporting this commercial channel failed. There were levees throughout the metropolitan area that failed. This bill begins to lay a foundation for coastal restoration, to restore levees, to close the Mississippi Gulf outlet channel we refer to as Mr. Go, establishing for the first time hurricane protection along some southern parishes, Lafourche and Terrebonne, which we don't hear very much about because everybody focuses on New Orleans. We don't hear about Lafourche and Terrebonne and Iberia and Cameron. These are parishes that have hundreds of thousands of people who live there and support the commerce of this Nation disproportionate to their number. This is where the pipelines are. This is where much of the energy infrastructure is for the Nation. It is these places we want to preserve for the future.

That is why Senator INHOFE and Senator BOXER and the members of their committee—Senator VITTER represents us on this authorizing committee—have done an outstanding job in pulling together these projects. I don't know why the President chose this bill to try to reassume the mantle of fiscal responsibility, but he picked the wrong bill. As my colleagues will explain, it is fiscally responsible to pass a framework, a guideline, a limit on these projects. That is what WRDA does.

For the Nation it is important we invest in critical infrastructure. I don't like to make these comparisons on everything, but it is worth noting that we are now spending $120 billion this year in Iraq. We are spending $2.3 billion a week. It is hard for me to go home to Louisiana and explain why we can't come up with $7 billion in authorizations for projects that are going to last over the next 20 or 30 years. We still have to go back and get the funding, but without authorization, we can't get started.

I hope my colleagues will join me in a strong override. The House did so last night. I look forward to the Senate overriding the President's veto of this important bill.

I retain the remainder of my time.

WATER RESOURCES DEVELOPMENT ACT OF 2007—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on H.R. 1495, which under the previous order is considered read and spread in full upon the Journal.

The message from the President to the House of Representatives is as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 1495, the ''Water Resources Development Act of 2007.''

This bill lacks fiscal discipline. I fully support funding for water resources projects that will yield high economic and environmental returns to the Nation and each year my budget has proposed reasonable and responsible funding, including $4.9 billion for 2008, to support the Army Corps of Engineers' (Corps) main missions. However, this authorization bill makes promises to local communities that the Congress does not have a track record of keeping. The House of Representatives took a $15 billion bill into negotiations with a $14 billion bill from the Senate and instead of splitting the difference, emerged with a Washington compromise that costs over $23 billion. This is not fiscally responsible, particularly when local communities have

been waiting for funding for projects already in the pipeline. The bill's excessive authorization for over 900 projects and programs exacerbates the massive backlog of ongoing Corps construction projects, which will require an additional $38 billion in future appropriations to complete.

This bill does not set priorities. The authorization and funding of Federal water resources projects should be focused on those projects with the greatest merit that are also a Federal responsibility. My Administration has repeatedly urged the Congress to authorize only those projects and programs that provide a high return on investment and are within the three main missions of the Corps' civil works program: facilitating commercial navigation, reducing the risk of damage from floods and storms, and restoring aquatic ecosystems. This bill does not achieve that goal. This bill promises hundreds of earmarks and hinders the Corps' ability to fulfill the Nation's critical water resources needs—including hurricane protection for greater New Orleans, flood damage reduction for Sacramento, and restoration of the Everglades—while diverting resources from the significant investments needed to maintain existing Federal water infrastructure. American taxpayers should not be asked to support a pork-barrel system of Federal authorization and funding where a project's merit is an afterthought.

I urge the Congress to send me a fiscally responsible bill that sets priorities. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment. For the reasons outlined above, I must veto H.R. 1495.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 2, 2007*.

The Senate proceeded to reconsider the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, returned to the House by the President on November 2, 2007, with his objections, and passed by the House of Representatives, on reconsideration, on November 6, 2007.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding, for clarification—because we have changed this a little bit—that our final decision is we are going to have an hour and a half kind of equally divided for those of us who are for overriding the veto, and then after that there will be an hour and a half for the other side, and we can divide our time as we want since we are agreeing on this. Is that correct?

The PRESIDING OFFICER. The Senator from Oklahoma controls 45 minutes of his own, as does the Senator from California, Mrs. BOXER.

Mr. INHOFE. Yes, that is fine.

The PRESIDING OFFICER. Ninety minutes is reserved for the Republican leader, and all of that time can be parceled out in a manner the Senator sees fit.

Mr. INHOFE. Good. The bottom line is, we are going to have an hour and a half to state why we think this is not a good veto and to override it.

Mr. President, I do have a number of people, Republicans, who want to come down and be heard who did not have a lot of time for preparation. I am very glad this is coming up right now, but, hopefully, they are still going to be around.

First of all, Senator BOND has been very helpful in this effort and is a very senior member of this committee that put this legislation together. I will yield him whatever time he shall use. Ten minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from Oklahoma. I congratulate him and the Chair, Senator BOXER from California, for bringing this balanced and much needed bill to the floor so we may expeditiously override the veto.

Now WRDA is supposed to be authorized every 2 years, but there has not been a bill passed by this Congress during the entire administration. I have been working on this bill since 2001, so we are calling it WRDA 2001. The reason I have a direct interest in it is my State has nearly 1,000 miles of Missouri and Mississippi River frontage in addition to our lakes. Our communities rely on Corps projects for affordable water transportation, flood protection, energy production, environmental protection, and recreation opportunities.

When we talk about the environment—and in a minute I will be telling you why the environmental benefits of transportation by water are so important—my constituents know that Corps projects mean jobs, trade competitiveness, reliable and affordable energy, drinking water, and protection from floods which ruin property and kill people.

We are not alone because States up and down the Mississippi River, up and down the Missouri River, up and down the Ohio River, States in the central part of the Nation, depend on the lakes; and States on the coasts depend upon their ports as well. So this is truly a national bill. But I can speak to it directly from what I have seen and what I know in my part of the world.

I am delighted we are completing our long journey to permit modernization of the Mississippi River locks. These locks were built during the Great Depression, some 75 years ago, for paddlewheel boats—paddlewheel boats—that only pushed 600-foot barge tows. Now we have 1,200-foot barge tows trying to get through 600-foot locks. They have to double lock. And these locks are old.

I have spent a lot of time with the people who depend on these locks—the farmers; shippers of cement, building materials, fertilizers, energy, coal, and petroleum that travel by water. They showed me and I have seen that these locks are not just leaking, sheets of water are coming through them. You can only use so much bailing wire and duct tape on a 75-year-old lock to keep it from going out.

Now one medium-sized 1,200-foot barge tow carries the same amount of commodities that 870 large semitrucks would carry. It would take a train car unit 2¼ miles long to carry the same load. But there is not room on our highways to put 870 trucks for every barge tow that would be used. The rails are filled. There is not room to put a 2¼ or 2¾ train on our railroads.

If we want to get our commodities to the market, if we want to have the most environmentally friendly and efficient means of transportation, we have to be able to move goods up the Mississippi River.

The locks in the bottleneck begin just above St. Louis. So all of the northern Midwest depends on those locks. The Mississippi River itself carries about 60 percent of the grain moving in international commerce, foreign trade—getting better prices for our farmers, keeping our rural communities healthy with good prices, and also lessening our balance of trade deficit. If you believe in selling our goods abroad, if you believe foreign sales are good for us—and I am strongly convinced they are—then we must have transportation.

We have had a long, arduous process to get the 2-year bill in 7 years, and we have been blessed with strong bipartisan support. From my part of the country, Senators GRASSLEY, HARKIN, DURBIN, and OBAMA have played key roles, and I express my gratitude.

Now the administration says they vetoed this bill because they say it is too big. If it were a normal 2-year bill, it would be big. But this is a 7-year bill, taking into account literally four different WRDA bills. If you total only three WRDA bills during the 5-year period—1996 to 2000—the authorization levels are comparable.

I think we must override the veto because this bill does not spend a dollar. It is an authorization bill. It says these projects are approved for consideration for funding. The Corps of Engineers has gone through extensive processes—engineering, public comment—to come to this point, and we are giving congressional blessings. This just adds projects to the list eligible. Put another way, it is a license to hunt. You still have to go out and hit the bird, and you cannot go beyond the limit. The limit is the budget.

The White House should know this bill spends not one dollar. The breakfast menu is larger, but the breakfast budget is unchanged. To say otherwise is to either misinform or purposely mislead.

The unfortunate reality for our State and the farmers and shippers in our

State is that water resources and water transportation do not seem to be a high priority of this administration, despite the expectation of supporters in 2000.

The previous administration was not supportive, and this one is no better. I know the White House staff will disagree, but OMB ought to try to go out and talk to the people who live in our part of the country. There are many areas where these projects are needed.

In November of 2005, the Washington Times reported that President Bush noted during a press conference with Panamanian President Torrijos:

[I]t's in our nation's interest that this canal be modernized.

Well, I think that is a great idea: modernize the Panama Canal. But while we are at it, why not modernize our own shipping areas? The administration does not oppose modernizing the Social Security-aged locks on the Mississippi River built for paddlewheel boats, but they also have not endorsed it or lifted a finger to endorse it. Endorsement was reserved for upgrading the waterways in Panama. My colleagues and I believe our Midwestern exporters deserve as much consideration as Chinese exporters who transit the Panama Canal.

I could list the supporters of it: the National Corn Growers Association, Carpenters Union, Operating Union, American Farm Bureau Federation, American Soybean Association, scores of members of the Waterways Council, and a whole lot of hard-working folks in Missouri and Illinois with whom I have met.

Our staffs have worked tirelessly on this legislation—not for days or weeks but years. There are many who have worked hard. I thank Ruth Van Mark, Ken Kopocis, Angie Giancarlo, Joe-Ellen Darcy; and a very special thanks to the bipartisan staff support of a very good friend of mine, Let Mon Lee, who has worked on the committee.

The success of our economy and its people owes a great debt to the investments that were made by those who came before us.

I urge my colleagues to vote for investments that will provide opportunity, value, competitiveness, and growth to our future so our export growth will not be limited to exporting barges.

This, as shown on this chart, is what we are exporting. We are exporting the barges to countries in Latin America so they can ship efficiently, economically, in environmentally friendly waters and take markets away from American farmers.

My thanks to the committee and the staff of Environment and Public Works. We appreciate their work. I urge my colleagues to join with us and adopt this bill by a veto override.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, there will be other Members who want to come down to speak. When that happens, if staff will remind me, I will interrupt my remarks in order to give them time.

But I want to approach this legislation a little bit differently. I could be standing here and saying some of the same things my good friend from Missouri said in terms of things that are in this authorization bill that are critical to my State of Oklahoma, but I think my State of Oklahoma already knows that. I already talked to them about it.

We have things in this bill, and they are not all projects that will be built, but these are projects that the Corps of Engineers has carefully gone through, prioritized, and determined should be done.

Let me give you an example. We have work on the most devastating Superfund site in America called Tar Creek in northern Oklahoma. That is something that is going to be addressed in this legislation. We are more than 50 percent through resolving that problem, but more needs to be done—things such as a lake called Arcadia Lake that is close to the central part of the State. The city of Edmond has been in not a lawsuit but a legal difference with the Corps of Engineers now for many years, and they were almost forced to pay several million dollars for water they never did receive. So a lot of this bill clarifies problems that are out there, and it is necessary.

I think the Senator from Missouri made it very clear, the last time we had a bill was the year 2000—7 years ago—and actually that bill, 7 years ago, was only a 1-year bill. A lot of people think it was a 2-year bill. It was a 1-year bill. We are supposed to have these every year or 2 years, but we have not had one.

Last year I can remember standing here on the floor, and I think we actually got it passed, but then we ran out of time before adjournment took place.

It is very difficult for me to do this because I love our President, but I think he has been ill advised in this case because, as has been pointed out by the Senator from Missouri, this bill does not spend a dime. For people to walk around—and I am doing quite a bit of time on talk radio to make sure the public is aware of this—this is an authorization bill.

In a minute, I am going to explain the history of authorization versus appropriations. I hope there are some people who are listening, particularly conservative people. The reason I say that—we are all rated around here for being conservative or liberal. I happen to be rated by the American Conservative Union, and several other organizations, not No. 2, I say to my friend from Colorado, not No. 3, but No. 1—the most conservative Member of the Senate. Yet I am standing here asking this Senate to override the President's veto of the authorization bill called WRDA.

Now I see my friend, the junior Senator from Louisiana, is wanting to have some time. I will be glad to yield to him, and then I am going to come back and kind of go over some history at that time.

How much time would the Senator like? Ten minutes?

I yield the Senator 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I particularly thank my distinguished colleague from Oklahoma, the ranking member on the committee. I thank Senator INHOFE and Senator BOXER and all of the committee members for all of their diligent work for many years, in fact, that has finally produced this very good and worthwhile WRDA bill which we are about to pass into law.

I stand as one of the two Senators from Louisiana very excited about this moment because this legislation is absolutely crucial for our recovery from Hurricanes Rita and Katrina and, indeed, for our survival as a coastal culture, as a coastal State, moving into the future. It is absolutely vital in that regard. I believe passage of this bill, including overriding the President's veto, is absolutely necessary for the Nation and the Congress to keep the very generous and very solemn commitment made to the people of Louisiana and of the gulf coast following Hurricanes Rita and Katrina. This bill is enormously important, and it has been a long time in coming.

While ordinarily a WRDA bill would be passed every other year, we haven't had one in many years to pass through the Congress. So, as a result, this is long overdue. This is the equivalent of two or three water resources bills combined.

The good news is that from our perspective, particularly dealing with Louisiana issues, we have used that time and that opportunity to improve the bill dramatically, even from the moment when I came to the Senate 3 years ago and started working on the committee on this bill to improve it dramatically and to include more measures for coastal restoration, coastal protection, and hurricane protection for our survival.

I want to make clear this isn't some parochial Louisiana matter. Even the provisions I care most deeply about have national importance and a national impact and truly are national priorities. Let me mention a few sets of numbers just to illustrate the point.

Thirty-three: That is the number of States that rely directly on the protection systems in Louisiana authorized in this bill for maritime commerce—import and export of goods—and, of course, that includes the entirety of the Midwest and particularly grain and other products from farmers in the Midwest.

Eighty: That is the percentage of domestically produced chemicals and petrochemicals that come from Louisiana and Texas vital to our economy. This bill is helping protect that economic infrastructure, that industry.

Twenty-six: That is the percent of seafood that comes from Louisiana waters and includes more shrimp, crawfish, and oysters than any other State.

Three million: That is the number of barrels of oil that could not be refined each day because of the shutdown of our refineries immediately after the hurricanes.

One dollar: It doesn't sound like much, but that is the extra amount that each of our constituents nationwide paid per gallon as a result of the 2005 hurricanes that hit Louisiana. Each gallon of gas used to take kids to school and to drive to work, farmers using it in their tractors, boats to ship imports and exports, airplanes to fly passengers and cargo, truckers to drive their loads across the Nation—$1 a gallon extra because of that disruption, because of a lack of protection.

Mr. President, $2.8 billion: That is the extra amount all of our constituents paid nationwide in just 1 week as a result of those gasoline price spikes.

Maybe the most important number is 4. That is from a commission, a study commissioned by FEMA. That is the amount of money saved: $4 for every $1 invested in mitigation and protection. That is a great savings for the future for the taxpayer.

So this is vitally important for my people in Louisiana, but it is vitally important to the Nation because of that direct connection, because of that direct impact of the hurricanes on the Nation's economic vitality, on the Federal Treasury that had to respond to the devastation of the hurricanes.

As I said, I am proud of the work all of us have done, including, as I served on the committee, on the conference committee, to fashion key provisions, taking into account the lessons of Hurricanes Rita and Katrina, key provisions that are now in this bill.

Let me mention just a few. The Water Resources Council: That is a council and an integration team that would be verifying the Corps' work, the Corps' conclusions and findings in terms of the implementation of Louisiana projects. So we have experts from outside the Corps, from academia, from the realm of practicing engineers to work hand in glove with the Corps so that design mistakes such as those that led to the levee breaches never happen again.

True 100-year hurricane protection: As I grew up in the New Orleans area, I was told we had 100-year protection, but the day Katrina hit, it disclosed the fact that wasn't true. Now we will be building through this bill true 100-year hurricane protection, and I thank President Bush for his commitment to that and his commitment to ask for all of the funding necessary to do that.

Moving forward on higher levels of protection for populated areas, what we would call true category 5 protection: The Corps is currently looking at that, designing that, but this bill will move that effort forward in a major way so we move forward with the design and implementation of that higher level of category 5 protection.

Coastal restoration: We can talk about levees and physical barriers and the storm surge all we want, but if we continue to lose our rich coastland, which is the buffer land from storms, we will never be able to win that fight. So the fight starts with restoring our coastal barrier islands and coastal buffer lands. In this bill we have $4 billion worth of that authorized work, 17 separate projects for coastal restoration. Of all of the work I have done in this bill, I think beefing up that portion of it is what I am most proud of because when I came to the Senate, when I came to this committee, there was only about $400 million dedicated to that coastal restoration, one specifically authorized project. Now there is $4 billion and 17 authorized projects.

We can go on and on. Closing MRGO, the deadly hurricane highway which was directly related to so much of the catastrophic flooding in New Orleans; other important work around the State, work with regard to the Port of Iberia and improving hurricane and flood protection in Vermilion parish, work that is very crucial to the Calcasieu River to allow navigation in that area to go on and prosper; bank stabilization for the Quachita and Black Rivers in north Louisiana; other hurricane protection improvements in lower Jefferson and Lafourche Parish; studies to improve access to Vidalia, LA, and other areas; countless projects, countless examples of important work.

Then last, but certainly not least, something we have been waiting on, working toward for 15 years and more, which is the Morganza to the gulf hurricane protection project to bring protection for the first time to a vital area just west of New Orleans, a populated area rich in culture, seafood, economic production, economic vitality. This project has been developed by the Corps over 15 years and more. It should have been in the last WRDA bill. In fact, it was in the last WRDA bill but is subject to a chief's report, and then the Corps of Engineers missed its deadline for that chief's report. That is finally being fully authorized, moving forward in an aggressive fashion because of this WRDA bill.

So again, in closing, let me say, make no mistake about it; this bill is vitally important for Louisiana, for our people, for our continued recovery, for our survival. But I don't want that to come across as some narrow or parochial concern because it does touch all of America in terms of impact. If our gulf coast is devastated in the future, gasoline prices will spike far more than 2 years ago. Our economy will be disrupted far more than 2 years ago, and, yes, FEMA and the Federal Government will have to spend even more than 2 years ago to deal with such a future disaster.

This WRDA bill is long overdue. It is fully justified. I thank Senator INHOFE, Senator BOXER, and all of the committee again for their very hard work as we move forward and finally pass this into law.

I yield the floor.

Mr. INHOFE. Mr. President, first of all, I thank the Senator from Louisiana. He has been an excellent member of the committee. He has certainly been looking out after the very serious problems that exist even today in his State of Louisiana, problems that exist as a result of Katrina and other things that were happening before, such as beach erosion and other problems they have.

I also thank Senator BOXER. We joke around about this a little bit. We are kind of opposites in terms of philosophies, but we do come together in agreement on the process we use in determining what should be done for infrastructure in this country.

Now, I said just a few minutes ago that I have what some would think is a distinction, and some would question that, but I am rated anyway as the most conservative member of the Senate, and here I am standing up asking my colleagues to join me in overriding a veto that the President should not have made. I think if there are any discerning people who really want to know why, it is pretty heavy lifting to follow this through, but I think it is important to do that.

There are some things that work in government and a lot of things that don't work. My colleagues have heard me say this before when we were talking about the transportation bill, the fact that it is something that does work, where people who are using the transportation system are putting money into it. It comes from a trust account, and we make determinations as to how it should be allocated in accordance with the needs of the States, taking into consideration things such as highway deaths and things such as road miles and lane miles, and then make those allocations. Frankly, it works very well.

This is almost the same process, except these are water projects. Several people have talked about how it is overdue. Actually, this bill is 6 years overdue. We had the last one in the year 2000. We tried in 2001, 2002, 2003, and last year we came—we passed the bill on this floor, standing right here I can remember, and we thought it would be history by now, but the clock caught up with us and we didn't have time to get it out of conference and passed into law.

Now, I think if we look at this—I am going to make a statement a lot of people would not understand, but I am making this statement for my conservative friends. If you take away the authorization process from the way we do business down here, then it has to be done by appropriators. What we are talking about today doesn't spend a dime. You have heard people say it, and I felt the President, in his message, was a little misleading to imply that

this somehow is going to end up in more spending. It doesn't end up in more spending. It wouldn't matter what the amount of the bill is because what this does in this particular bill is it takes 751 projects, and it gives a maximum that can be spent on any project. If you go over the maximum, then you have what we call a 60-vote point of order which I will—I commit to standing up and invoking so we can't spend more money.

Now, it doesn't mean—if the total amount that you would add up in this bill is $23 billion, it doesn't mean it is going to end up costing $23 billion. That money has to be appropriated, and historically it has averaged out to about 70 percent of the projects. I have already said there are—what is the total number of projects in this bill—751 projects. Only 70 percent of those would get any funding, and then many of the rest of them will get funding at an amount far less than we are authorizing. We are saying you can go up to that amount.

Now, to understand this, I would like to kind of walk us through. It appears I will have time to do this because we don't have any more on our side who are planning to come down and speak. So the significant difference between authorizing and appropriating in the Senate is a long history, and it goes back to 1816. Let's start with the charts back there.

The responsibility of authorizing versus appropriating has been a debate that has been ongoing for a long time. What happened is, when they first created some 11 permanent standing committees, that happened in 1816 to handle legislative proposals.

At that time, they weren't really sure about authorizing and appropriating because the problem hadn't really come up yet—until 1867. In 1867, the Senate created the Appropriations Committee. It was the first step of the Senate to separate authorization and appropriations, saying that we should go through the process of authorizing before we appropriate.

In 1899, the Senate adopted a change to rule XVI to remove most of the appropriations bills from its jurisdiction because the Appropriations Committee was enacting policy on how Federal agencies internally operated. There is the difference right there. The first time that happened was in 1899. So the rule XVI, as we know it today, which gave birth at that time, said we should segregate the authorizing process from the appropriations process. Some Senators argued that the Appropriations Committee was legislating on appropriations bills, and the Senate directed that certain authorizing committees would handle appropriations legislation for the issues within their jurisdiction. And this diminished the role of the Appropriations Committee that had been established.

In 1922, the Senate changed course again and adopted another change to rule XVI. It is now rule XVI as we know it today. Rule XVI says that if you appropriate money that is not authorized, it takes a supermajority 60 votes—instead of 51 votes. That may not sound like a big difference to a lot of people, but I assure it is a huge difference in passing legislation. So that restored the general appropriations back to the Appropriations Committee. However, they had the authorization committees to take care of the problems.

I will give you an example. The Armed Services Committee, on which I am honored to sit, is an authorization committee. I could use any number of examples. For example, I could talk about our F–22 vehicle coming up, and there are going to be people who don't really know that we need to have the F–22 because the F–15s and F–16s are inferior to some of the things Russia is making in their SU–30 and SU–35 vehicles. These are technical things that most of the Senators, if they are not sitting on the Armed Services Committee, would not know. Someone who didn't have the advantage of knowing why we should authorize different vehicles to defend America would have no way of doing it if they are just appropriators. So the example I use is a good one.

Right now, in the bill we are considering today, which is in conference—the Senate armed services reauthorization bill—with the House, it addresses the problem with a ballistic missile defense system. A lot of people aren't aware of it unless they sit on the committee, but there are three phases: the midcourse phase, the boost phase, and the terminal phase. There are two vehicles on the boost phase that are still in R&D. We don't have them yet. We are naked in order to try to knock down something in a boost phase. We have two ways of knocking down missiles in the midcourse phase, and we are working on two in the terminal phase.

I don't think there is anybody out there, after 9/11, who would not agree that we need to have this defense for America. That technology is there. If you are just an appropriator and not an authorizer, you would look at that and say: Wait a minute, we have six systems to knock down an incoming missile. So they may say we only need two; we can save X billions of dollars by only having two. But the problem is, as we all know, in the midcourse phase we don't know whether it is going to be within the range of a ground-based missile or where you can use an AEGIS missile fired off a ship. These are six technical systems that are necessary to defend America from an incoming missile. That comes from an authorization committee, not an appropriations committee. A lot of people, who don't have this information, are trying to knock down some of the money we are spending on missile defense. So I think that is probably the best example to use.

The same principle is true on my other committee, the Environment and Public Works Committee. It applies to the bill today, the WRDA bill, the Water Resources Development Act bill. We review all projects and requests, and we make sure that every project of these 751 projects goes through a lot of scrutiny, and it has certain criteria that have to be met and an engineer's report from the Corps of Engineers.

I remember one time I cast a very unpopular vote—it was the right vote—several years ago when we had the Everglades Restoration Act, which passed 99 to 1. That one was me because it didn't meet the criteria. It didn't have the engineer's report and all that. A lot of people voted for it because they were afraid they could not explain their vote back home. I never had that problem.

We have all these projects that have gone through scrutiny, and when we finally pass the bill—which we have already passed and the President vetoed, and we are going to override the veto tomorrow—it will be reality tomorrow.

Here is what will happen after that. None of these projects we are talking about—sure, a lot of them are in Oklahoma, and a lot are in Colorado, and the Senator from Missouri talked about his, and the Senator from California will talk about things authorized in California. These have all met certain criteria. Very likely, when they come up—a lot of them—for appropriations, I will come down to the floor and oppose them. It doesn't mean I agree with everything we have authorized. We are just saying that thought has gone into it, they have looked at it professionally, it met the criteria, it has engineering reports, and we ought to authorize it and let the appropriators come in, and we can look at it closely to see if maybe we authorized too much or maybe we disagree with it. Right now, I can tell you that I was opposing appropriations to many things we authorized.

I can state it a different way. The only discipline we have in spending, I say to all these people who talk about earmarks, is the authorization process because if we take away the authorization process, we have no way of knowing, when the Appropriations Committee comes with a bill to the floor and says: We want to fund this, whether it meets the criteria.

So what we are doing with the bill we have passed and the veto that will be overridden tomorrow—so it will become law—is we are saying that we are putting in a maximum of 751 projects so that they cannot go over that amount. If they do—I make this commitment on the floor of the Senate tonight—I will be the first one down here to stand up and say I am going to invoke rule XVI to require a 60-vote point of order so that we will have discipline, and the appropriators are not going to spend more money than has been authorized.

That is a quick course. I don't expect that anybody will really understand it or believe it. I know in my heart that it is right and we have to have this

process. This fight that has been taking place between the appropriators and authorizers since 1816 is something that is necessary, and we have to protect authorization.

Let me bring up one more thing. If the President had never vetoed this bill—it doesn't make any difference because we are going to override the veto, and everybody has to know that. So this is kind of an exercise in futility. We have the bill; it is going to be reality. In the event that we are unable to override the veto tomorrow morning, that would mean we would not have an authorization bill. That means that any appropriator could come down here, or anybody else, and say we need to have this, and they could be swapping deals and meet no criteria whatsoever, and that is not the way we want to do it. So I see this as the only discipline we have for spending.

I have mentioned that I have the rating of being the most conservative Member in the Senate, and I do. But I also realize I am a big spender in some areas. One is national defense, and one is infrastructure. That is what we are supposed to do in this body. If you don't think there is a crisis out there in transportation—our roads, highways, and waterways—not very many people realize that in Oklahoma, we are actually navigable. We have a navigation way that comes all the way to my hometown of Tulsa, OK, the Port of Catoosa, where they can come up through Louisiana and up the Arkansas River, and right now we have a problem with that. We have a 12-foot channel, except for one small area that is 9 feet. That is a choke point. That limits what we can do.

If there is anything we need in this country—and all you have to do is drive on the highways and you see the cars and trucks going by and see how much worse the traffic is today than it was in the past. One of the great ways to relieve that traffic is to be able to utilize to a greater extent our navigation ways. I don't have the statistics with me, but you can carry three trainloads of stuff on a barge and move it actually cheaper, in many respects, into places. So in order to do the things the Senator from Missouri talked about in increasing the capacity to use these navigation ways, and even to my State of Oklahoma, it is something that is going to have a profound impact on the future of transportation in this country.

I don't think there is anybody who is so naive not to understand that we have a crisis in our transportation system. The traffic is worse every day, and I am sure each one of us—the 100 Senators who serve in this Chamber—gets hundreds of letters every day asking what are we going to do about the transportation system—not realizing that our action tonight will be a great relief to that problem.

I believe in building the infrastructure of this country, and I believe in the authorization process. I believe it offers our only discipline on spending. I am sorry that a lot of conservatives don't understand this, and they believe this is a spending bill, when it is not. So as much as I hate to do this, I urge my colleagues on the Republican side to join me in overriding the President's veto of this very significant bill that each State in America needs.

Again, I know we are going to be seeing the chairman of the committee, Senator BOXER, soon. It is interesting that the committee called the Environment and Public Works Committee had the largest jurisdiction of any of the committees. Up until the last election and the new majority came in in January, I was chairman. Now Senator BOXER is chairman, and I am ranking member. We have worked together on this bill, and this is not something we have spent just a few hours or days on; we spent 6 years on it. We spent a lot of time looking at last year's bill to see what is relevant today.

Some of the detractors will say: Wait a minute, you have already authorized a lot of things that have not been appropriated. To that, I say you made my point. A lot of the things we are authorizing will not be appropriated. That fortifies the point that this should not be measured as a bill that is a $23 billion bill or something that indicates we are going to spend all this money. This is a bill that is necessary in the process to offer discipline to our spending, and that is what we intend to do.

With that, I will retain the remainder of our time, in the event one of our Members wants more time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, today and tomorrow will be very special days for me here in the Senate because the Environment and Public Works Committee, led by myself and Senator INHOFE, comes forward united across party lines to lead the effort to override the President's veto of the Water Resources Development Act, a bill that will authorize the projects and policies of the Civil Works Program of the Army Corps of Engineers.

I wish to thank Senator INHOFE for his kind comments and say that I think everybody knows that when it comes to the environment, Senator INHOFE and I don't exactly see eye to eye. But when it comes to building the infrastructure of the United States of America, taking care of the needs of our communities, making sure there is flood control, that we can move goods because we need to dredge so many of our port areas, when it comes to making sure we have recreation areas, and, yes, that we do the kind of environmental restoration that will help us with flood control—for example, restoring the great coastal wetlands of Louisiana—we can and do work together.

Yesterday, the House voted 361 to 54 to override the President's veto of this critical legislation, giving us in the Senate the opportunity to make this bill the law of the land by our vote tomorrow. I note it is very rare that we have successful veto overrides. Why is it? Because in their genius, our Founders said we need quite a supermajority to do that. So it is rare, indeed, when we have a strong vote such as this to go against a President of either party, and I have served with four from both political parties. The signal it sends to the executive branch, in a moment such as this, is we are asserting ourselves as representatives of the people. We are saying: Mr. President, we shouldn't have to have a fight about this. This is something we should work on together. When we did pass the conference report, I remember asking the President rhetorically: Do we have to fight about everything? I don't think we should. Senator INHOFE and I can set aside our differences to work on this bill. It seems to me we represent basically the entire philosophy from one end to the other, and it seems to me we should have had the support of the executive branch.

Today and tomorrow are also special days for the many people and communities across our Nation that have waited so long for this time to come, for this important legislation to become law. Indeed, when we finally accomplish this tomorrow—and I pray we do—it will be 7 years in the making, 7 years since we actually had a Water Resources Development Act. That is too long to wait.

I say to all the communities across our great country waiting for desperately needed flood control, such as New Orleans and the gulf coast, such as Sacramento in my State of California, where 300,000 people are in jeopardy should there be a flooding problem, I say to all of you: The wait is nearly over and help is on the way.

Again, I thank my ranking member of the Environment and Public Works Committee, Senator INHOFE. We do share a commitment to shoring up our Nation's infrastructure, including its water resources. On some issues, as we know, we do not stand shoulder to shoulder, but on this issue, we have stood shoulder to shoulder to get the work done, and I think we will stand shoulder to shoulder in the future, as well as look at other infrastructure needs in our States and communities.

I also thank the Transportation and Infrastructure Subcommittee chairman and ranking member, Senators BAUCUS and ISAKSON. They have been a very important part of our team helping to put this package together.

Unfortunately, despite the bipartisan nature of this critical infrastructure investment and despite waiting 7 years,

the President decided 7 years was not long enough and he vetoed the bill. I tell you the truth, I still cannot believe it. I know many of my colleagues on both sides of the aisle spoke with the President and said to the President: Please understand, Mr. President, this is not an appropriations bill, this is not a spending bill, this is an authorization bill. Anyone who wants to learn more about that simply read the record of what Senator INHOFE—if not the most fiscal conservative member, certainly one of the most in this body—said about this bill.

This bill is an authorization bill, and every single project has to go through the rigors of the appropriations process. But what we have to do is give the Corps the ability to complete repairs to levees, flood walls, and pumps that failed to protect the lives and property of those in New Orleans.

Remember when the President spoke in Jackson Square in September 2005 and he offered a pledge to the American people. This is what he said that night. I remember the eeriness of the scene, where the President had come out of the darkness because there was no electricity in New Orleans, and the lights were lighting him. It was, in a way, a touching moment.

What the President said was important. This is what he said:

> Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes to help citizens rebuild their communities and their lives.

I do believe when you say that, you need to mean it. We will do what it takes. Yet we had tonight Senator LANDRIEU and Senator VITTER, both representing New Orleans and Louisiana and representing their people with great emotion and great conviction, begging for this bill because this bill will help make Louisiana whole.

I traveled to New Orleans with several members of the committee to conduct a field hearing this year. Seven Senators were on that trip, a clear indication of how important protecting New Orleans and the gulf coast is to the Members of this Senate. We saw the needs of the New Orleans area, but we also saw the hope and the optimism of the people and the community leaders that the Federal Government would, in fact, keep its commitments.

This bill makes our promises real. This bill makes the promises of the President of the United States real. This misguided veto only created further delay, and I beg my colleagues on both sides of the aisle to listen to Senator INHOFE, to listen to Senator VITTER, to listen to Senator LANDRIEU, to listen to my words tonight.

WRDA also contains the authorization for Louisiana's Wetlands Restoration Program, wetlands that are critical to protecting south Louisiana from hurricanes and improving the environment.

Before I talk about the critical flood threat facing Sacramento in my State of California, I wish to talk a little bit about Florida, and then I am going to yield 5 minutes to Senator NELSON.

Not only did I get to go to New Orleans, but I got an amazing invitation from Senator NELSON. Let's just say it was more than an invitation; it was a strong urging. It was a begging. It was so important to Senator NELSON that I certainly could not say no.

I went to see the Everglades with my own eyes. My husband came with me and Senator NELSON and his wife Grace greeted us there. We went out on a tour of the Everglades which we will never forget.

I can tell you the beauty of that place is most extraordinary. It is just extraordinary. As Senator NELSON will explain much better than I, we have an area that is in crisis. We have a window in which we must act to make sure the water flows into the Everglades to keep it alive, the river of grass.

One of the lasting memories of that trip as we went out and dusk fell and we were out and we saw the alligators out there, we saw what appeared to me—and, of course, Senator NELSON had seen this—I think he got more pleasure watching my face as I thought all of a sudden we were in a meadow. I almost thought: How could this boat actually be moving in a meadowland? It was not a meadowland. It was this river of grass.

We saw wildlife actually jumping out of this river of grass onto trees. It was a spectacular moment. I thought, God has given us this gift, and it is our obligation, it is our duty, it is our responsibility to make sure others get to see this gift.

At this time, I am happy to yield 7 minutes to Senator NELSON and I look forward to his remarks. I reserve my time.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Florida.

Mr. NELSON of Florida. Madam President, as the Senator from California has been describing her experience, I have been enjoying enormously not only her reflection of that experience but remembering seeing the faces of Senator BOXER and her husband as they saw these new experiences of gliding in an airboat over a sea of grass that Marjory Douglas called river of grass.

As we came to the edge and went into the big cypress preserve where cypress stands, clumps of large cypress trees dotted the landscape, as the Senator explained, it was getting close to sundown. As the light lowered, as you were gliding over this meadow of grass, it looked exactly like that until suddenly you were shocked into the reality that there was a doe and her fawn as they were bounding, not over the meadow but sloshing through the water as they headed toward the clump of cypress trees.

It is now our responsibility to protect and preserve this national treasure—indeed, an international treasure—for the generations to come. It was 60 years ago that the Everglades National Park was created by an act of Congress and President Harry Truman signed the bill into law. The Senator at whose desk I now reside was then a young Member of Congress, Senator George Smathers, who helped bring that Everglades National Park 60 years ago, in December of 1947, into fruition.

Now we sit here on a momentous occasion. In order for us to continue to try to protect this national and natural treasure, we have to overcome a Presidental veto. It is important not just to our State but so many States because of these water projects, because the last time we had such a law that authorized these water projects was back in 2000.

What that plan did in 2000 in an Everglades restoration plan, created after years of study and analysis, was to try to restore the Everglades to something of what nature intended. But we couldn't do it like nature had it because a huge portion of the south part of the peninsula of Florida was the Everglades. Decades later, it is so different because there are 6 million people living in South Florida, there is a major agricultural industry, and in the intervening half century, mankind has come in and diked and drained the natural flow of the water in a way Mother Nature never intended. So what was passed—the Comprehensive Everglades Restoration Plan in 2000—was intended, given the changes in the population, the agriculture, and the existing diking and draining, to restore as much of that to the natural function that Mother Nature intended so we could preserve the Everglades.

The bill we have in front of us contains two restoration projects that have undergone painstaking planning, design, and development, and they are ready for construction. But we can't get them constructed until we can get them authorized. The Indian River Lagoon and the Picayune Strand are vital projects—together worth $2 billion—in increasing the water quality and maintaining and preserving the natural areas to reverse the decades of damage and neglect.

So 7 years after the creation of this plan, a plan that has been on hold because the Federal Government has faltered in its commitment to restoration of this national and natural treasure, it is time for us to get on and approve this bill, unfortunately, by overturning the President's veto.

The biggest threat now to the restoration of the Everglades—thanks to folks such as Senator BOXER and those beyond the boundaries of Florida who are finally understanding how important it is—is the delay. We made a promise 7 years ago, and we are going to finally fulfill that promise. It is a partnership between the State of Florida and the Federal Government. We committed ourselves then to the largest restoration project in the world, and when we pass this legislation, despite those who have tried to detour it, the Federal Government will have

made a significant step in living up to its commitment.

So with this victory close at hand, let me remind my colleagues there are many more battles we are going to have to fight in the future to save the Everglades. But, Madam President, it is my pleasure to stand here to support Senator BOXER in this vote to override the President's veto.

Mrs. BOXER. Madam President, how much time remains on my side?

The PRESIDING OFFICER. There remains 21 minutes 50 seconds.

Mrs. BOXER. Madam President, before Senator NELSON leaves the floor, I again thank him for bringing me into this entire plan. I am glad I could be of help in saving the Everglades, and I think he has support on both sides of the aisle.

There was an amazing story in the New York Times the other day about the Everglades and how we have to act. Madam President, you are one of the best environmentalists I know, and you know the window is closing for us on so many projects. We need to move now or it is too late. Once damage is irreparable, there is nothing more we can do. So I praise my friend, Senator NELSON.

I also say that his whole family is dedicated to this issue. When I went out there and saw the love his family has for this area, the understanding they have, and how the whole community has been brought together by Senator NELSON, I think this is a seminal moment for his career because what we are doing is so critical. And as he points out, we can't move forward unless we have this authorization.

The fact that we have to override a veto is sad. I mean, it is adding more time that we are losing. But I am hopeful that tomorrow, sometime perhaps even before noon, when the votes are taken, this bill will be the law of the land, and we can go back home and tell people we have, in fact, reached across party lines and done something for them, notwithstanding the President's objection.

So I thank Senator NELSON. And, Madam President, I am going to yield 7 minutes to Senator MURRAY, but before I do, I want to talk about one particular project that is in this bill for California.

We have many in here, but I think it is important that people understand when we looked at this bill, we looked at so many serious problems, where lives are at risk, and one place that is true is in the Sacramento region of California. As you know, that is our capital. This conference report, this important bill, allows the Corps of Engineers and the Bureau of Reclamation to complete the necessary modifications at the existing Folsom Dam in California so we can protect 300,000 residents of Sacramento and the capital itself from horrific flooding.

Madam President, imagine 300,000 people living in a very precarious situation. The capital itself is in a very precarious situation, and we know we can make it safe. That veto left our citizens at risk. But, hopefully, tomorrow we will change that.

Sacramento is not only the capital of California, where we have 37 million people and growing, but it is also America's largest metropolitan area with less than 100-year flood control protection. So, again, it is America's largest metropolitan area with less than 100-year flood control protection. And for those who don't know what that means, we mean a flood that comes once in 100 years. That is what you have to plan for when you have so many people in harm's way.

Statistically, Sacramento is four times as likely to be devastated by flooding than New Orleans was. Sacramento is situated at the confluence of two great rivers, the American River and the Sacramento River. The Sacramento River is born in the Southern Cascade Mountain Range, while the American River originates in the High Sierra. The city sits in a low valley, in a low valley where these two rivers meet.

This large floodplain is one reason California has such productive farmland, and we all benefit from that. It is beautiful farmland. But as a result of growth, the Sacramento metropolitan area is now home to nearly half a million people and contains 165,000 homes, 1,300 government facilities, including the State capitol, and businesses providing 200,000 jobs. A major flood would cripple the Sacramento region's economy, significantly impair the operations of our government in our State, cause up to $15 billion in direct damages, up to $30 billion in total economic loss, and we can't even put a pricetag on the loss of life.

In our State, we know about flooding, we know about fires, and we know about earthquakes. I know, Madam President, in your State you have gone through many natural disasters as well.

In 1986, as a result of storms, 13 people were killed, 67 were injured, 1,300 homes were destroyed, and 967 businesses damaged—the total damage cost over $400 million.

In 1997, 8 people were killed, 23,000 homes destroyed, and 2,000 businesses destroyed or damaged—the total damage was $1.8 billion.

As the capital of the world's fifth largest economy, no one can deny it is important to protect the Sacramento region.

I would simply say, in this bill we are taking care of this problem, and I want to thank the House for their strong support, particularly DORIS MATSUI and the late, wonderful Congressman Bob Matsui, who really got us started on this project. We are going to do the right thing for Sacramento. It means everything to our State.

We also have many other important California projects in the bill—the revitalizing Los Angeles River, restoring the Salton Sea, critical flood control projects, and dredging and navigation projects all throughout our communities. So this bill is really an economic lifeblood for California. It truly is. It is also a matter of life and death for our people.

So today is a moving and a touching day. We did in about 8 months, as we took the gavel, what hasn't been done in 7 years. It is a prideful moment but much more important than that; it shows we can reach across party lines. It shows we can work together across State lines. It shows we can work together between the House and the Senate. This moment is about to come, and it is going to mean a great deal to the people of our country.

Madam President, I yield 7 minutes to my dear friend from Washington State, Senator PATTY MURRAY, who has been such a leader on these issues and many others.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from California for the tremendous work she has done on this critical bill that supports the infrastructure across the country and for her diligence in keeping to the task to make sure we are finally here at this point where we are just a vote away from having this signed into law.

Madam President, I wanted to come to the Senate floor tonight to urge the Senate to override the President's very shortsighted veto of this Water Resources Development Act. This is a bill that, as the Senator from California said, renews critical flood control, navigation, and water quality projects that are important across the country but are important in my home State of Washington as well.

This bill ensures our waterways can continue to be used to move goods. It helps restore our beaches and our wetlands, which are important to our coastal communities, and it makes sure we are protected from catastrophic floods. These projects in this bill are essential for our economy. And as we saw with Hurricane Katrina, they can also be a matter of life and death. That is why I was astonished that President Bush vetoed this bill.

More than 2 years after Katrina flooded 80 percent of New Orleans, destroyed coastal Mississippi, and killed 1,600 people, I couldn't believe the President said no to this bill. Even after he failed to respond to the devastation on the gulf, he is now standing in the way of projects that will protect the people of that region. Madam President, 81 Senators approved this bill in October because we understood our responsibility to invest in these important projects that provide for public safety and that keep our economy healthy.

The President's veto is another example of his misplaced priorities. Throughout this year he has been insistent on playing political games at the expense of our Nation's economy and our health and safety. So, again, I

urge our colleagues to override this veto and show the President he got it wrong.

I know most of the Senate agree it is critical for us to address these issues now. This bill will help us avoid another catastrophe such as we saw in New Orleans, and it will help ensure our environment and our economy stays healthy.

Too many years have passed since the Water Development Resources Act was reauthorized. It is 5 years overdue now, and the needs are piling up. I again thank Senator BOXER and Senator INHOFE because their leadership in the first year of this Democratic-controlled Congress made sure that this bill did finally get to the President.

The tragedy in New Orleans provided a dramatic example of how necessary this bill is, but there are hundreds of communities across the country that have been waiting for years for Congress to act on this bill and ensure that these vital projects finally get started.

WRDA creates a national levee safety program and ensures thousands of miles of levees across the country will get a general safety inspection. It enables the Federal Government to act quickly on critical flood control projects, and it helps our local communities prepare for damaging and deadly floods.

This bill is also about economic development. It ensures that shipping can continue on our waterways and helps us to move everything from wheat to cars to wind turbines from port to port. And it is about making sure our lakes and our beaches are clean and safe. It protects our environment and promotes recreation and it provides jobs.

By vetoing this bill, the President said no to the communities that have been waiting for years to go ahead with these critical environmental, safety, and economic development projects. And, Madam President, some of those communities are in our home State. From shipping, to boating, to fishing, our waterways in the Pacific Northwest are vital to our way of life. That includes, by the way, a major shipping route on the Columbia River, with container ships and bulk carriers and tankers and car carriers that travel back and forth, as the Presiding Officer knows, carrying goods in, and shipping lumber and grain and countless other products out.

So it is vital to the economy of our region the Columbia get regular dredging and maintenance. This bill, the WRDA bill, lifts restrictions on the number of days Federal dredges can operate to make sure that happens. And it helps our region in a number of other ways too. This bill gives the Corps of Engineers another tool so they can eliminate that huge backlog of permit applications for people who are trying to do everything from building piers to expanding ports. That will save our local governments millions of dollars.

By vetoing this bill, the WRDA bill, the President essentially said no to the economy, to the safety, and to the environment in my home State of Washington.

Sadly, the Water Resources Development Act is not the first important and bipartisan bill this President has blocked. It happens to be the fifth. Besides this bill, President Bush has vetoed children's health insurance; lifesaving stem cell research, twice; and our efforts to change course in Iraq and bring our troops home. He has, by the way, threatened to veto many of our appropriations bills. He says he objects to our spending bills because they invest $22 billion more than he asked for.

President Bush is pretty happy to talk about pork and complain, but what he will not do and has not done yet is tell the American people what he wants to cut. Would he cut health care funding? Would he cut the money to build our deteriorating bridges and roads? Maybe he would cut investments to the FBI or the DEA. Perhaps it is the millions of dollars of funding we have in these bills for job training or education that he objects to. We don't know because he would not say.

But he ought to know this. We stand by these important investments because our bills ensure our roads and our bridges and our airports and our railways are in good and safe condition. They ensure our kids can see a doctor. They ensure we can do cutting-edge research so we can find cures for diseases such as diabetes or MS. But as we have seen, the President has insisted on blocking these ideas and priorities and keeps repeating his apparent favorite four-letter word, which is ''veto.''

Instead of investing in our communities, he has continued to play political games. Instead of progress, all we have gotten are vetoes. I hope it is time for us to send a message to President Bush: We are not going to stand idly by and watch you veto these investments in our communities. I hope our colleagues override this veto on this important legislation, and I believe by standing together, as our friends in the House did, we can send a strong message to him about who has the right priorities for America. I hope by doing this we can finally unite with our Republican colleagues in choosing a new course for the other important bills—the children's health bill, all of our appropriations bills, even the stem cell research bill.

I think it is time for Congress to turn a page on the President's obstruction. This is the first step. I hope there are more to come. As I have said before, and I will say it again now, people around this country are eager for a change. They want to see a light at the end of the tunnel, and we want to make sure the President does not put out that light.

I yield the floor.

Mrs. BOXER. Madam President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 7 minutes 17 seconds.

Mrs. BOXER. Madam President, I thank the Senator from Washington. I think what she did in her presentation is give a message of hope. I think this is a signal, this vote tomorrow. It is a signal we can work together across party lines to get things done for the good of the American people. People want to see that and they are going to see it.

The President said this bill lacked fiscal discipline. He doesn't realize, I guess, it has been 7 years in the making. We used to do these WRDA bills, these water resources bills, every 2 years. So there has been pent-up demand, the normal pent-up demand in a country that is growing, whose economy is growing, that is importing more and exporting more goods. Of course we are going to have a pent-up demand.

Then, when you put on top of that the disastrous consequences from Katrina and Rita and the fact that we are getting more floods and we are having more problems, you realize this bill is a very fair and defensible one. Again, as Senator INHOFE said, we don't spend a dime. This is an authorization bill, the first step in bringing Federal resources and expertise to a project that is developed at the local level.

Every one of these projects is brought to us from our communities. That means the communities are willing to put up funds and our funding is so important because it spurs on these projects.

I think what is sort of getting to the American people is the fact that, as the President says, a bill such as this, which is an authorizing bill, is too large. He seems to have a blank check for ventures overseas—$12 billion a month is going out the door, $12 billion a month for the wars in Iraq and Afghanistan. This bill equals literally 2 months of that funding. It has taken us 7 years.

Put it into perspective. This bill that authorizes all these important flood control projects, navigation projects, recreation projects, environmental restoration projects—all these bills add up to 2 months in Iraq and Afghanistan.

Then we read on the front page of the Washington Post the other day that the administration is paying millions of dollars to fix a dam in Iraq. I am all for that. I don't want to see anyone hurt in Iraq. But I don't want to see anyone hurt in Sacramento or in Seattle or in New Orleans or in any of the towns in Mississippi. I don't want to see us lose the Everglades. The fact of the matter is, I think the President is on weak ground in vetoing this bill that is so important for the public works of the country while spending so much on the public works of countries abroad.

This is an investment in America we will be making tomorrow morning, if all is well, and we see that same kind of vote we had the last time. We can stand tall and proud. Seven years is too long a wait for a bill that authorizes essential programs, such as navigation,

flood control, ecosystem restoration—but we are ready to go. I think this bill meets our communities' needs. Some of them are unmet needs. Some of them are acute needs.

Make no mistake, the projects that are authorized in this bill that I hope we will again pass tomorrow—again I hope we will override the President's veto—are going to protect thousands of homes and the lives of millions from catastrophic flooding. It is going to help us restore wetlands, estuaries, and rivers of our Nation—places where wildlife thrives and our families go to enjoy the outdoors.

Indeed, as hunting, fishing, boating, camping, and other outdoor industries boom, this bill is an important part of keeping our recreation economy thriving.

It also says, yes, our ports need attention. The waterways need to have capacity. We need to make shipping easier, safer, and efficient, so it keeps the economy moving. So much of our economy is dependent on water resources. Our ports and harbors are the gateway to the world. Our manufactured goods, such as autos and computer chips, move through those ports. Our agricultural goods, such as grains, wines, and fruit, pass through our ports and harbors to be sold around the world. Goods come in and they get distributed to the entire country. We are talking about thousands of jobs. We are talking about moving goods. We are talking about recreation.

We are talking about 360 million visits a year to our lakes and our beaches and other areas; 25 million people visit a Corps project at least once a year and that generates 600,000 jobs.

Let me say, tomorrow or later tonight my colleagues may hear some complaint about the fact that we didn't do enough Corps reform. I wish to say Members on both sides of the aisle spent a great deal of time on this issue. Senator FEINGOLD has been a prime mover in this area, and I greatly respect the work he has done, but I have to say, as I have said to him, I know he wants more. But we went a long way. This is a good package. We have a truly independent review process. I think we actually made that independent review process more independent. We have outside experts, free of political pressure, coming in and examining all aspects of the environmental, economic, and engineering components of a project study. These panels will be able to receive and evaluate public comments. The panels will be available to advise the Corps throughout the entire development process.

The bill requires the first updates of the Corps planning principles and guidelines since 1983, when President Reagan was in the White House. The bill will make the Corps mitigate the impact of its projects the same as any other party and make sure mitigation is done in kind, up front, and not as an afterthought.

We included safety assurance reviews, increased watershed planning, authorized a levee safety assessment program, and expedited the deauthorization of the backlog of unconstructed projects.

But Senator FEINGOLD still believes we should have done more. Frankly, I would love to do more, and I will work on this in the future. But we went as far as we could go. We cannot make the perfect the enemy of the good. I find myself saying that over and over around here. We have to do good work. The only perfect work is the work each of us wants to do.

I know what is perfect. Senator CANTWELL knows what is perfect. Senator INHOFE knows what is perfect. If we write our own bill, to us it is perfect. But we have 100 of us, 100 different ''perfects.'' It means we have to reach across the aisle and work together.

I say to Senator FEINGOLD, even though he is not on the floor today, thank you for your leadership, but please reconsider your opposition. Vote with us on the override. We have gone a long way. We have acted in good faith, and we will continue to work with you in the future on so many of the important reform issues you bring to this floor.

Tomorrow is a very big day for me as chairman of the committee, for Senator INHOFE, who actually started this bill when he had the gavel. He brought it pretty close to being the law, but we didn't quite get it over the line. He has worked with me as a solid team member.

I think it is going to be a great day for the Congress. I think it is going to be a great day for the Constitution. What we are saying: Mr. President, we are elected too. We count too. The American people vote for us too. When so many of us tell you we believe strongly that we need to meet the infrastructure needs of our country, we hope you would come to the table. This time you chose not to do so. We hope in the future you will join us.

It is a great day for the Constitution. The Framers of the Constitution foresaw this. They said: If you have an executive who decides to veto something that is a crying need in the Nation, and everybody agrees—67 of us, or two-thirds of those present and voting, can override a veto. Tomorrow is going to be a great day for the health and safety of the people of my State of California, of the United States.

I look forward to coming to the floor tomorrow. I think Senator INHOFE and I will divide 15 minutes, and we will, once more, lay out in shorter form why we think it is essential to override this ill-advised veto.

Madam President, thank you so much for your consideration, and for your work on this bill.

Mr. VOINOVICH. Madam President, I rise in support of the Water Resources Development Act conference report.

It has been 6 years since Congress last passed a water resources and development reauthorization bill. The time has come to finally pass this important legislation. I am very disappointed that the President has vetoed this bill.

America's infrastructure and waterways system is the foundation of our economy. For too long, we have been ignoring our infrastructure, but Katrina was a wake-up call for all of us. In the wake of this disaster, we saw firsthand the devastating impact of a weak infrastructure on our people and our economy. The more we continue to fail to fund our water infrastructure, the more we are putting our Nation's competitiveness at risk in this global marketplace.

Our physical infrastructure is a critical piece to making America more competitive. Our infinite needs are overwhelming and being squeezed. We should be rebuilding an infrastructure of competitiveness so that future generations have at least the same opportunity to enjoy our standard of living and quality of life. If we continue to ignore the upkeep—the deterioration of our locks and dams, flood control projects, and navigation channels—we risk disruptions in waterborne commerce, decreased protection against floods as we saw in Katrina and other environmental damage.

Additionally, I am pleased that this bill includes many provisions that will benefit the Great Lakes. First, there is authority for the Corps to deal with a very serious threat facing the Great Lakes. Asian carp are just miles from the lakes, and the only thing standing in their way is a temporary dispersal barrier in the Chicago Ship & Sanitary Canal. This bill authorizes the Corps to complete construction of Barrier II which is the permanent barrier as well as to convert Barrier I into a permanent facility and to operate and maintain both dispersal barriers at full Federal cost. Under this authority, the Corps would study options for hydrologic separation of the canal and the Great Lakes while maintaining the movement of cargo and recreational vessels.

This bill clarifies that any reconnaissance study under the Great Lakes Fishery & Ecosystem Restoration program is to be performed at full federal expense. The Great Lakes navigation system has been associated with impacts on Great Lakes fishery resources, and the purpose of the Great Lakes Fishery and Ecosystem Restoration program is for the Corps to cooperate with others to plan, implement, and evaluate projects supporting the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes. When Congress authorized this program initially, the intention was for the Corps to develop projects under this authority just like other programs. That means that the reconnaissance study is to be a fully federal expense, and cost-sharing is required for subsequent study, engineering, design, and construction.

This bill reauthorizes the Great Lakes Remedial Action Plans and Sediment Remediation and the Great Lakes

Tributary Models Program. These are two programs that allow the Corps to provide assistance for controlling the source of sediments and to identifying specific actions to resolve pollution problems.

Also contained in this bill is authority directing the Corps to expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and connecting channels for the purpose of supporting navigation. The Corps has a huge backlog of work, and that backlog includes the Great Lakes. Freighters are getting stuck in shipping channels, other ships are carrying reduced loads, and some shipments have simply ceased altogether. The Corps estimates a backlog of 16 million cubic yards of dredging at commercial Great Lakes harbors and channels, which the Army Corps expects will cost about $192 million to address. In order to help address this backlog, the Corps will be authorized to expedite this work.

Lastly, this bill allows the St. Lawrence Seaway Development Corporation to carry out much-needed repairs, including maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the St. Lawrence Seaway. Unfortunately, like many of our infrastructure projects, we have not done much upkeep of the St. Lawrence Seaway. This bill will allow for those improvements to be made at a total cost of $134,650,000.

The passage of this WRDA conference report cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

Mr. President, I urge my colleagues to override the President's veto.

Mr. FEINGOLD. Madam President, I will vote to sustain President Bush's veto of the Water Resources Development Act. The President's veto of the WRDA bill is a welcome opportunity for Congress to modify the flawed, bloated bill. Instead of overriding the veto, Congress should be taking this opportunity to fix the bill.

For 7 years, I have worked with Senator MCCAIN and many of our colleagues to achieve essential reforms of the Corps of Engineers, and have long anticipated the day that meaningful reforms are enacted. Unfortunately, during conference, the Senate's strong Corps reform provisions were significantly watered down. Instead of the reform bill that the country needs, this bill is simply the latest example of business as usual.

After a decade of Government and independent reports calling for reforming the Corps, and pointing out stunning flaws in Corps projects and project studies, and after the tragic failures of New Orleans' levees during Hurricane Katrina, the American people deserve meaningful reforms to ensure that the projects the Corps builds are safe, appropriate, environmentally responsible and fiscally sound. The urgency and necessity could not be clearer.

A critical component of reforming the U.S. Army Corps of Engineers is ensuring independent review of significant Corps projects. This bill provides review but does not ensure it is truly independent.

I will continue to push for Corps reforms that ensure fiscal responsibility, accountability, public safety, and environmental protections. This means ensuring that Americans' tax dollars are spent on the most important priorities, not just on Members' pet projects. Earlier this year, I was joined by Senators MCCAIN, COBURN, CARPER, GREGG, SUNUNU, and DEMINT in offering an amendment to form a commission of non-Federal, water resources experts to provide Congress recommendations on a process for prioritizing Corps projects.

However, the Senate defeated this effort. I can only conclude that many of our colleagues think the status quo is acceptable. To me, there is nothing acceptable about a $58 billion backlog (soon to be $81 billion) of authorized but unfunded projects. Some of my colleagues have argued it is okay to authorize $23 billion in projects, because WRDA only authorizes projects and does not appropriate funds. This approach shirks our responsibility as elected officials. By authorizing WRDA projects, Congress is indicating these projects are worthy of funding and that taxpayer dollars should be committed to these projects. Unfortunately, without some way of prioritizing and with a limited annual construction budget of around $2 billion, our Nation's critical infrastructure and restoration projects—and the American people who depend on these water resources projects—will suffer.

The President did the right thing when he vetoed the WRDA bill and I am disappointed that Congress is determined to override that veto. My colleagues would be better off if they listened to people like Mark Beorkrem, a true Corps reform champion. Mark recently passed away, but his 20 years of advocacy on behalf of the Mississippi River and reforming the Corps of Engineers will have profound and lasting effects on the health and vitality of the Mississippi and rivers across the country. Most recently, Mark played a pivotal role in ensuring the inclusion of a comprehensive ecosystem restoration component in the Corps' Mississippi River lock expansion project. He also provided leadership within the national Corps Reform Network, as well as the Sierra Club, sharing his knowledge and passion for environmental protection and restoration. The Mississippi and many of our Nation's rivers and wetlands are better off thanks to Mark's tireless efforts. We should be guided by his example.

I urge my colleagues to support the President's veto of the WRDA conference report, and I ask unanimous consent to have printed in the RECORD newspaper editorials on this bill.

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

[From the Washington Post, Nov. 5, 2007]

FISCAL PLUNGE, A VETOED $23 BILLION WATER BILL IS NOT WORTH SAVING

Ah, the theatrics of Washington. On Friday, President Bush vetoed the Water Resources Development Act (WRDA), a bill that would authorize $23 billion in spending on water projects by the Army Corps of Engineers. Lawmakers of both parties were critical. Senate Majority Leader Harry M. Reid (D–Nev.) said that the veto shows ''President Bush is out of touch with the American people and their priorities.'' According to Mr. Reid, one of 81 senators to vote for the WRDA (it passed the House 381 to 40), the bill would ''strengthen our environment and economy and protect our natural resources'' and fund projects ''essential to protecting the people of the Gulf Coast region'' from hurricanes. The veto is ''irresponsible,'' Mr. Reid declared.

After almost five years in which he did little to check the spending of a Republican-controlled Congress, Mr. Bush is a bit late in trying to recover his party's reputation for fiscal conservatism. But even discounting for the White House's political posturing, this is hardly an example of an ''irresponsible'' veto. To the contrary, that word might better be applied to the WRDA itself. The bill would indeed authorize about $1.9 billion for coastal ecosystem restoration and protection in Louisiana to help the state rebuild its defenses against hurricanes. The president supports that; he just thinks that Congress could have authorized it without also larding on billions of dollars worth of economically and environmentally questionable projects. And he's right: After all, the Senate and the House versions of the legislation tipped the scales at $14 billion and $15 billion, respectively. Then, in conference committee, lawmakers added more pet projects to bring the total up to $23 billion.

The silver lining in the bill is that it takes some tentative steps toward reforming the Army Corps, providing for independent review of projects worth more than $45 million. But this modest change is much weaker than what the overhaul reformers in the Senate had advocated. Thus Mr. Bush's valid concern, expressed in his veto message, that the WRDA ''does not set priorities'' among the $58 billion in projects authorized in past bills. Indeed, though it has a high nominal price tag, the WRDA only promises projects, essential and otherwise, that have to compete for the $2 billion the Army Corps spends each year. So the WRDA is largely a hollow political exercise. Given the overwhelming margins by which both houses passed the bill, though, Mr. Bush's veto is almost certain to be promptly overridden. This time, Congress's empty gesture will trump the president's futile one.

[From the Washington Times, Nov. 6, 2007]

SCANT RESOURCES

This week's anticipated veto override by Congress on a water-projects spending bill will allow $23 billion in unfunded mandates, codifying a pork-laden plan that, for the most part, will not come to fruition. Ironically, these members of Congress who have given overwhelming approval of the bill and are poised to overthrow President Bush's veto are highly unlikely to actually set aside real funding for the bill when it comes time to parcel out appropriations.

Congress gave landslide approval for this bill (81–12 in the Senate and 381–40 in the

House) to grant the $23 billion for some 900 projects by the Army Corps of Engineers and yet they failed to back up the mandates with actual funding. This makes the political theater all the more an empty charade, with Mr. Bush finally chastising Congress for its lack of fiscal restraint and members of his own party lampooning his efforts.

The Water Resources Development Act adds to the backlog of mandates the corps will ostensibly be handling—$38 billion by Mr. Bush's count and $58 billion by Taxpayers for Common Sense. It is puzzling that Congress would continue to add to this burden when historically Congress allocates a mere $2 billion per year for new corps construction projects. It seems most members relish the opportunity to send out a crowing press release in their home district about a hard-fought earmark that has fat chance of ever improving the quality of life for their constituents.

The bill lacks the prioritization needed to ensure vital projects are completed first. However, this is not new—pork projects continue to dilute the corps' spending power as it spreads itself too thin. This was apparent in Louisiana, a state that by far has enjoyed the most in corps appropriations (some $1.9 billion in the last five years to second-place California's $1.4 billion). Yet, rather than placing high priority on projects like the levees prior to Hurricane Katrina, funding instead went to an unjustifiable navigation canal lock project and the low-trafficked J. Bennett Johnston Waterway.

An odd set of bedfellows have urged oversight and belt-tightening on the water projects, from Sen. Russ Feingold, Wisconsin Democrat, to the earmark watchdog Republicans Sen. Jim DeMint of South Carolina and Rep. Jeff Flake of Arizona. While their logical stance will be dismissed, the consolation is most of the projects in this earmark-laden bill won't see the light of day.

[From USA Today, Nov. 7, 2006]

OUR VIEW ON FLOOD CONTROL: DESPITE KATRINA, BUSINESS AS USUAL ON WATER PROJECTS. INSTEAD OF SETTING PRIORITIES, CONGRESS PILES ON THE PORK.

Suppose you need a new car. You want to spend $14,000. Your spouse argues for $15,000. Then you go to the showroom and you compromise—by driving away in a $23,000 vehicle.

Add six more zeroes to each figure, and that's basically what happened in Congress to the first legislation since 2000 to authorize new water projects. The Senate approved $14 billion, the House approved $15 billion and they ''compromised'' on $23 billion.

This bloated package—everything from dams and levees to sewage treatment plants and beach restoration—is, of course, an exercise in local greed and political clout. Neither is going away any time soon. But in its ham-fisted grab for the money, Congress also managed to ignore lessons taught so painfully by Hurricane Katrina.

It may complete the folly this week if the Senate, as expected, follows Tuesday's House action and overrides a richly deserved veto by President Bush.

For decades, lawmakers have authorized water projects less on the nation's needs than on their own need to bring home federal dollars and get re-elected.

In the process, the Gulf Coast was made steadily more vulnerable. Projects to tame the Mississippi's flow and turn it into a lucrative shipping channel degraded marshes and swamps that had long protected New Orleans from storm surges. Katrina blew past the vanishing buffers, pushed water up a man-made channel and overwhelmed ineptly built federal levees.

While the $23 billion measure authorizes projects designed to mitigate such blunders—strengthening New Orleans' levees, for instance, and starting to restore the Louisiana coastal wetlands and Florida's Everglades—it also includes an assortment of dubious ones, on the Gulf Coast and elsewhere:

$131 million to deepen Louisiana's Port of Iberia, even though the project failed a government cost-benefit analysis. After that, Sen. Mary Landrieu, D–La., made sure the calculation was redone.

$2 billion to expand Upper Mississippi River navigation locks to accommodate more barges. In 2001, the project was halted when government planners were accused of overestimating barge traffic and using other inaccurate assumptions to justify the locks. Sen. Kit Bond, R–Mo., vowed to get the project built anyway.

$56 million to replenish sand at Imperial Beach in San Diego County. Sen. Barbara Boxer, D–Calif., defends it as a way to fight ''storm surge.'' That's dubious, and in any case, why should taxpayers in Kansas have to re-sand a beach in California?

Millions more for local water supply projects and other unspecified plans.

Absent is any plan to reform this cavalier process. The Senate rejected, 69–22, a measure to create a commission of outside experts to set priorities.

Unfortunately, Bush's record on fiscal responsibility is so poor that his veto carries little credibility on Capitol Hill. So, after sustaining vetoes it should have overridden (on stem-cell research and children's health insurance), Congress is now about to override a veto it should have sustained.

Lawmakers could have used this as an opportunity to write a cheaper, cleaner, more sensible roadmap for making the nation safer from hurricanes and floods. Instead, they are spending tax dollars on a vehicle loaded with expensive, unnecessary options.

[From the New York Times, July 15, 2007]

REFORM FOR THE CORPS

Congress appears to be on track to approve a major water resources bill that would, among other provisions, provide long-overdue money for Everglades restoration and money to begin rebuilding Louisiana's vulnerable wetlands. But the House and Senate versions of the bill diverge on one crucial issue: reforming the Army Corps of Engineers.

This difference should be resolved by Senate and House negotiators in favor of the stronger Senate version, which guarantees meaningful reform.

Compared with most government agencies, the corps has always lived a charmed and largely undisciplined life, accountable to no one except a Congress that is happy to let it do whatever it wants as long as it builds the dams, levees, bridges and other pork-barrel projects dear to Congressional hearts.

One result is that over the years the corps has inflated the economic payoffs of its projects while underestimating their potential damage to the environment. As the levee failures during Hurricane Katrina demonstrated, the corps has also made misjudgments in engineering and design.

The Senate version addresses this by requiring independent peer review of the design, cost and environmental consequences of projects exceeding $40 million in value. The House version offers a review process that is more loosely structured and is independent in name only. It gives the corps all sorts of wiggle room, including the authority to define the scope of the reviews, which in turn could leave important issues unexamined.

There are other differences between the two versions, but this is the most important. The Senate should stand firm.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business

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

WRDA VETO OVERRIDE

Mr. DURBIN. I rise today supporting the override of the President's veto of the Water Resources Development Act, known as the WRDA bill. We have waited for this bill for a long time. Senator BOXER of California and Senator INHOFE of Oklahoma worked so hard on it; 7 years it took us to put this bill together. It is a bill which should be passed on a regular basis because the needs of our country are recurring. They did a great job in putting this bill together. The conference passed it with an overwhelming vote within 7 months after the session began.

After 7 years of toil and 7 months hard work to put the bill together, it authorizes navigation, ecosystem restoration, and flood and storm damage reduction projects all over America. The projects in this bill are important for all of our Nation and represent benefits to rural and urban areas as well.

In Chicago, for example, residents will see enormous benefits from the Thornton and McCook Reservoirs projects in this bill. These reservoirs are currently under construction, but until they are completed, significant areas in that part of the country will remain unprotected from major floods. I know what I am speaking of. It has not been that long ago—only a few weeks—that I was in the suburbs watching them as they packed the sandbags and turned the pumps on in the basements and found ways to avoid the floodwater damage that was afflicting most of our area in the northern suburbs, in the northwest suburbs.

These reservoirs, when completed, will provide some protection. Without them, millions of homeowners are going to be exposed to flooding. There is another element. It is not just the damage to the communities, it is not just the interruption of commerce, it is not the water-soaked basement and all of the stuff that has to be thrown away, it is not just the expense of buying a pump to try to clear out our home; it is also the fact that when we run into this flooding situation we have sewer backups that discharge raw sewage into Lake Michigan. That is unacceptable. It is the sort of thing every community along the lake has to take seriously.

How does a community come up with the resources to deal with that so the storm drains do not overflow? Well, it

is hard for them to come up with the resources by themselves. But with Federal assistance it is possible.

Critics of this kind of approach say it is porkbarrel, more earmarks and Federal spending and, you know, these Senators, they are trying to put more money in their States for political reasons. Well, the fact is, this is Federal money earmarked for projects to avoid flooding, to protect homes, to protect neighborhoods, and to protect great national treasures such as Lake Michigan.

The reservoirs not only will help stop sewage overflows, but they are going to save homeowners money. Almost 75 percent of the residential lots in South Holland, IL, are now in a floodplain. That will be removed when the Thornton projects are complete. Completing these projects will save the homeowners in South Holland $713,000 in annual insurance premiums.

A lot of those homeowners are struggling with property taxes now and getting a break on flood insurance is certainly good news. This is just one of the many examples of how the WRDA bill will save homeowners real dollars and protect their homes.

Another important feature of the bill for Illinois is increased lock capacity and improvements to the ecosystem of the Upper Mississippi and Illinois Rivers. The Mississippi River, of course, is a beautiful river, and father of all waters, and has many claims to historic and natural significance. But it also is an important avenue of commerce. This is the backbone of the waterway system of America. It transports $12 billion worth of products each year, including over 1 billion bushels of grain to ports around the world. This efficient river transportation is vital to Illinois. Shipping by barge is inexpensive and helps keep our ports competitive. That is good for producers and good for consumers all over the world.

More than half of the Illinois annual corn crop and 75 percent of all U.S. soybean exports travel along the Upper Mississippi and Illinois Rivers. Shipping by barge is not only cost effective, but it has real environmental benefits. Barges operate at 10 percent of the cost of trucks, 40 percent of the cost of trains, they release far less carbon monoxide, nitrous oxide, and hydrocarbons, and barges use much less fuel to operate.

But the system of locks and dams along the Upper Mississippi that make travel possible is in desperate need of modernization. The current system was built 70 years ago and it needs to be repaired. Many of the older locks are only 600 feet in length. Most of the current barges are twice that length. That means these goods take twice as long to go down the river into the marketplace.

The override veto before us today will authorize $2.2 billion for replacing and upgrading locks and dams, and—this is a critical part of it—$1.7 billion for ecosystem restoration along the river.

We struck an agreement between those who want to use the river for commerce, and those who value it as a natural resource. We said, if we improve the locks and dams, we will put a comparable amount of money, $1.7 billion, into restoring the river, the ecosystem of the Mississippi River. So I think that is a fairminded, balanced approach to what our Nation needs.

As we have seen in the tragedy that occurred along Minnesota's 35–W bridge, our country's infrastructure is aging and overburdened. The projects included in this bill are desperately needed to shore up our waterway system, a vital component of our national infrastructure.

Unfortunately, the President vetoed this bill last Friday. After years of trying to put this bill together, this President discovered his veto pen this year and decided he would start vetoing bills one after the other. This is the latest casualty. The WRDA veto override was passed by the House yesterday with an overwhelming vote, 361 to 54.

When the Senate originally considered the bill earlier this year, there were only five Senators who voted against it. In less than 1 week this Congress has come together to send the President a strong message that his fiscal priorities are misplaced and misguided. I do not understand how this President can ask us for $196 billion to rebuild Iraq, and we ask for $23 billion to put into rebuilding America's waterways, protecting the levees that could flood communities and doing things that are critical for our future, and the President says it is wasteful spending—wasteful if it is spent in America, not wasteful if it is spent in Iraq?

I fear the President gets up every morning in the White House and looks out the window and all he sees is Iraq. If he looked out that window, he would see America is out here too. It needs investment. A strong America begins at home. The Water Resources Development Act will build the infrastructure which will build the economy, creating good business, good-paying jobs, construction jobs that cannot be outsourced, jobs that will be filled by Americans getting decent wages and good benefits, taking them home to their families, building up the neighborhoods and communities that are the backbone of this great Nation.

The President does not see that. Oh, he can see $196 billion for Iraq. He cannot see $23 billion for America. I think he is wrong. By the vote yesterday in the House of Representatives, overwhelmingly they told him he was wrong. I hope we reach the same conclusion when this matter comes before us tomorrow. What was intended to be reauthorized every 2 years is now 5 years too late.

If we follow the President's lead, we will postpone this again, we will see locks and dams continue to deteriorate, bridges continue to fail, and people wondering why in the world this great Nation of America is not making certain its infrastructure and backbone are strong enough to sustain economic growth.

It is time the President stopped using his veto pen for essential projects, programs like those in this bill, and in the appropriations bills that will be sent his way. I encourage all of my colleagues to support this bill to override the President's veto.

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

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

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes.

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

EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

Mr. LEAHY. Madam President, this great Nation has long stood for a commitment to justice and equal rights for all Americans. Opening the doors of opportunity to all who have something to contribute has been a key to America's success as the world's strongest economy, and as the world's most successful democracy. Our cultural diversity is a pillar of our strength, and the promise of equal rights is a fundamental freedom of our democracy. Today, the House passed the Employment Non-Discrimination Act of 2007, which would further promote and protect our country's diversity and every American's civil rights by further protecting Americans from discrimination in the workplace.

This important legislation would prohibit workplace discrimination by making it illegal to fire, refuse to hire, or refuse to promote employees simply based on a person's sexual orientation. Currently, Federal law provides basic legal protection against employment discrimination on the basis of race, gender, religion, national origin or disability but not sexual orientation. Discrimination on the basis of certain personal characteristics has no place in any workplace or in any State, and it is long overdue for Congress to extend American employees these protections. This legislation has broad support not only from civil rights groups but also from leading American corporations, because they understand that there is no place for discrimination in our workplaces.

I commend the House for passing the Employment Non-Discrimination Act of 2007, and I look forward to the Senate taking up this measure without delay.

NATIONAL METHAMPHETAMINE AWARENESS MONTH

Mr. GRASSLEY. Madam President, I am pleased to join my colleague, Senator BAUCUS, in sponsoring the National Methamphetamine Awareness Month resolution of 2007. As a senior Member of the Senate representing a State confronting an epidemic of methamphetamine abuse and as cochairman of the Senate Caucus on International Narcotics Control, I have often been confronted with heartbreaking stories of the destructive nature meth abuse has on families and children. All too often, meth abuse not only ruins the life of the user, it disrupts the lives of the users family, friends, and the community at large. That is why Members of Congress must do everything we can to ensure that communities across the country have the tools and support they need to stop meth in its tracks.

Since the passage of the Combat Meth Act in 2005, an act that restricted the sale of a main ingredient of meth known as pseudoephedrine, or PSE, the number of home-grown meth labs has dramatically decreased throughout the Nation. In spite of this encouraging development, the National Association of Counties reports, in its recent survey of county sheriffs, that meth remains the No. 1 drug problem in almost half the counties across the country. In some cases, sheriffs reported, in this survey, that not only has the rate of meth abuse stayed the same, it has actually increased. The Drug Enforcement Administration, DEA, estimates that over 80 percent of the meth in this country is smuggled in from Mexico by drug cartels who produce this poison in superlabs.

Senator BAUCUS and I have held hearings to examine ways in which the Government could break the meth supply chain while helping to reduce the number of people suffering from meth. One of the areas discussed, to help achieve these goals, was to boost our efforts to educate and raise awareness among the public. We have to do a better job to reach those who don't view meth as a deadly drug, and we have to ensure that our children never try meth. Studies show that the longer you keep a child drug-free, before the age of 20, chances are very good that they will never try or become addicted to drugs.

In my State of Iowa, we have 22 community based organizations that are designed just for this purpose. One of these organizations, that I founded, called Face It Together, or FIT, encourages parents, educators, businesses, religious leaders, law enforcement officials, health care providers, youth groups, and news organizations to work together to come up with new and creative ways to confront drug abuse within their communities. While some of these community coalitions receive some financial support from the Federal Government, the real difference is made by all of those who volunteer within their communities to ensure they remain drug-free.

Although much remains to be done to eradicate meth from our communities, this resolution is part of a vast, ongoing effort to ensure meth abuse does not expand further into our society. I am please that this resolution is supported by the Community Anti-Drug Coalitions of America, CADCA, and I urge my colleagues to join us in support of our efforts against meth abuse.

50TH ANNIVERSARY OF THE DETROIT REPERTORY THEATRE

Mr. LEVIN. Madam President, it is my distinct pleasure to recognize the 50th anniversary of the Detroit Repertory Theatre, one of Michigan's oldest, continuously operating professional theatre companies. Located in the heart of Detroit, this theatre company has made significant contributions to the arts landscape in Detroit and across Michigan, forging an enduring legacy over the last half century.

The arts play an important role in building and sustaining communities by bridging cultural, ethnic, economic differences, and by being an important economic catalyst. Since its inception in 1957, the Detroit Repertory Theatre has been at the forefront of this effort and has provided world-class theatre productions for the greater Detroit community. Its ongoing emphasis on racially and ethnically diverse casting and its focus on theatrical relevancy have allowed it to carve out an important niche in the grassroots theatre world.

The Detroit Repertory Theatre's golden anniversary is particularly impressive considering the myriad challenges grassroots theatre companies face. This theatre company has not only weathered and adeptly overcome every challenge but continues to provide quality performances, while focusing on making their productions both relevant and accessible to the community. Integral to the theatre's mission is reaching out to a broader theatre audience through various successful outreach efforts, including Arts in Education Programs, Free Acting Workshops, the New Playwrights' Program, and the Charitable and CMO Partnerships.

True to its bold tradition of forging ahead, this anniversary not only celebrates past achievements but concurrently looks forward and embarks on new challenges. On Saturday, the Detroit Repertory Theatre will hold a black tie benefit to formally celebrate its golden anniversary and to kickoff its 50th Anniversary Challenge. This effort seeks to raise the funds necessary to execute its operational and community development initiatives, seeking to position the theatre to meet the challenges that lie ahead.

When an organization enjoys the type of success the Detroit Repertory Theatre has over the years, there are many who have sacrificed much and deserve acknowledgement and our heartfelt gratitude. It is in this spirit that I know my colleagues join me in recognizing and congratulating all those who have contributed to the Detroit Repertory Theatre's many successes over the last 50 years, in particular Bruce Milan, an original cofounder and the theatre's artistic and managing director, as well as his fellow cofounders, Barbara Busby and Dee Andrus. The community looks forward to an equally impressive record of success over the next half century. Break a leg!

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

FRENCH LEGION OF HONOR

• Mrs. CLINTON. Madam President, I am honored to recognize Mr. Bernard Rader of Freeport, NY, for his selection as one of just seven Americans—along with my colleague, Senator INOUYE—to receive the French Legion of Honor from President Nicolas Sarkozy on his first official visit to Washington. Bernie, who is also a recipient of the Bronze Star and the Purple Heart, is deservedly being recognized for the heroism and courage he displayed in the service of our Nation as a soldier in the 301st Regiment of the 94th Infantry Division during World War II.

The Legion of Honor was established by Napoleon in 1802 to honor both military and civilians who have made significant contributions to French life. With this recognition, Bernie Rader joins Legionnaires including Dwight Eisenhower, Winston Churchill, Neil Armstrong, and Queen Elizabeth II.

Bernie Rader was born in the Bronx on December 12, 1923. In 1943, Bernie heeded his country's call to service and joined the Army as a rifleman assigned to the 94th Infantry Division. On September 8, 1944, just over 3 months after D-day, Bernie's regiment landed on Utah Beach in Normandy, France. The 94th ID subsequently moved into Brittany, where it was responsible for containing and taking on remaining pockets of German resistance in the English Channel ports of Lorient and Saint Nazaire. During the Siege of Lorient, in October 1944, Bernie's platoon was ambushed, and he was wounded and taken captive as a prisoner of war. Thinking quickly, Bernie asked one of his comrades to bury his dog tags to keep the Nazis from discovering his Jewish faith. Bernie was held for 6 weeks as a POW before being released during an unprecedented prisoner exchange organized by Andrew Gerow Hodges of the Red Cross.

Bernie's 94th Infantry Division went on to help liberate several small French towns. They also trained and armed 29 French infantry battalions to aid them in the war against Germany. In early 1945, the 94th ID launched an attack across the Saar River, which separated France and Germany. By March of 1945 the division controlled a 10-mile front, where it repelled German attacks. On March 13, 1945, they drove to the Rhine River, eventually taking

the industrial city of Ludwigshafen on March 24. By the beginning of April, they had taken responsibility for containing the west side of the Ruhr pocket along the Rhine River. The 94th ID occupied the Ruhr until V-E Day.

Bernie Rader was discharged from the Army in January 1946. After the war, Bernie became a certified public accountant in his home State of New York. He worked on the New York State Society of Certified Public Accountants, NYSSCPA, and served as president of the Nassau County Chapter in 1986 and 1987. He won the Distinguished Service Award from the NYSSCPA in 1992.

In 2004, Bernie presented the citizens of L'Ile de Groix, France, with a plaque to show his gratitude for the aid they provided to his fellow soldiers who had been taken prisoner outside of Lorient and held on the island of Groix under very harsh conditions. He is now working to establish a sister city program between L'Ile de Groix and his town of Freeport on Long Island.

On behalf of my constituents in New York, Mr. President, and indeed on behalf of all Americans, I wish to congratulate Bernie Rader for his selection for the French Legion of Honor. This honor rightly recognizes Bernie's heroism and steadfastness at a critical time in the history of our Nation. I invite my colleagues on both sides of the aisle to join me today in recognizing and honoring Bernie Rader and his fellow Legionnaires for their noble service and their commitment to the defense of democracy and freedom.●

ADDITIONAL STATEMENTS

CONGRATULATING WILLIAM PRESCOTT ELEMENTARY SCHOOL

● Mr. CASEY. Madam President, today I congratulate William Prescott Elementary School, in Scranton, PA, on receiving the prestigious Blue Ribbon Schools award from the Department of Education for its outstanding achievement in providing students with a first-rate education.

William Prescott Elementary School serves just fewer than 300 students from the east side of Scranton and is part of the Scranton School District. Like many schools throughout Scranton and all of Pennsylvania, William Prescott Elementary School strives to provide the best possible opportunities and to enrich the life of each student. The administration and staff work passionately to provide a comprehensive curriculum inclusive of language arts, lab-based science, computer education, art and music education, English as a second language, special education, as well as many other courses. For the past 13 years, and particularly during the last 3, the students at William Prescott Elementary School have demonstrated steady progress in the areas of Reading and Mathematics and have far exceeded Pennsylvania's State targets. I am proud to say that the school is truly a model of educational excellence.

In addition to this, and I believe this is key, the school actively works to involve parents and the community in the learning process. Through partnerships with community organizations such as the Head Start Program, the Pennsylvania Council on the Arts, and Scranton Area Foundation, William Prescott Elementary School demonstrates its commitment to a comprehensive educational program that builds on personal responsibility, accentuates individual respect, and develops a love of learning.

Special credit for this achievement belongs to the principal, Mr. Albert P. O'Donnell, and the teachers, for creating a safe and challenging learning environment. During my brief experience as a teacher I learned firsthand how much dedication the students, the parents, and all involved must exhibit in order to succeed at this exceptional level. It is with great pride that I congratulate William Prescott Elementary School on this outstanding achievement. I hope that their dedication and hard work inspires both young students and those serving in the field of education alike.●

COMMENDING CONTRIBUTIONS TO TEACH FOR AMERICA

● Mrs. DOLE. Madam President, I wish to recognize the fifth anniversary of the Wachovia Championship golf tournament at Quail Hollow Club in Charlotte.

Several years ago, a number of leading North Carolinians gathered to begin the planning for this first-class event. Under the leadership of Quail Hollow president Johnny Harris, tournament chairman Mac Everett, and executive director Kym Hougham, the Wachovia Championship has quickly risen to the top echelon of sporting events in the country.

These leaders desired to create a premier sporting event that would provide a first-class experience for patrons, PGA tour players, and volunteers that at the same time would have a significant economic impact for the Carolinas, showcase my State and region to a national and international television audience, and most importantly raise significant funds for charitable interests in the State.

The primary beneficiary of the success of the Wachovia Championship is Teach for America. Funds generated from the tournament are used to support the national efforts of this organization.

This past year, I circulated a letter that asked appropriators to fund the Teach for America program at a $15 million level for this fiscal year. Teach for America's goal is to provide students in urban and rural low-income areas with highly qualified teachers in order to eliminate educational inequity. This program is the national corps of top college graduates who commit 2 years to teach in underresourced public schools and become lifelong leaders in the pursuit of educational equity. After completing their 2-year commitment, 63 percent of the Teach for America alumni continue to work in education. Since 1990, nearly 17,000 college graduates have joined Teach for America, impacting the lives of over 2.5 million students.

I applaud the efforts that Wachovia is making to support this program. In its first 5 years, the Wachovia Championship has donated over $7.5 million to Teach for America and other charities. This year, to my understanding, the bank's donation to Teach for America is $1 million, and their overall contributions to charities have been $1.95 million.

As you can see, this golf tournament has a much bigger impact on the community than its direct entertainment and economic impact. Through this golf tournament Wachovia has been able to reach out and affect overall society by helping students gain a quality education. ●

HONORING DR. WILLIAM POTTER

● Mr. LUGAR. Madam President, I wish to commemorate the awarding of the first endowed professorship in the field of nonproliferation studies to my friend, Dr. William Potter. Bill has served as director of the Center for Nonproliferation Studies at the Monterey Institute of International Studies. In that post he has made valuable contributions to U.S. policy through detailed analysis of the threat posed by the proliferation of weapons of mass destruction, comprehensive programmatic reviews of efforts to address the threat, and training of arms control and nonproliferation experts.

Bill Potter has an unequaled research and academic record in the field of nonproliferation. He has served as a consultant to the Arms Control and Disarmament Agency and the RAND Corporation. In addition, he has served for a number of years on the United Nations Secretary General's Advisory Board on Disarmament Research. He has written or edited 14 books and contributed to more than 90 books or journals. He has also made Monterey's quarterly publication, ''The Nonproliferation Review,'' the leading journal in the field of nonproliferation.

I am honored that Monterey Institute has named Dr. Potter's new position the ''Nunn-Lugar chair of nonproliferation studies.'' In 1991, Sam Nunn and I believed that our Government had to act to address the threats posed by the dissolution of the Soviet Union. As political and military leaders inched away from Cold War standoffs, the weapons they had developed to threaten and deter each other remained capable of killing the entire American population and rendering our country a wasteland.

Sam and I worked closely with experts and friends like Bill Potter. Together we understood that a unilateral effort would not succeed and challenged the United States and our former enemies to work together. The United States needed a diplomatic strategy and a programmatic response to the threat. The Nunn-Lugar program was our answer. The program succeeded in convincing Ukraine, Belarus, and Kazakhstan to remove all nuclear weapons from their territories. In addition, it became the primary tool through which the United States continues to work with Russia to destroy its massive nuclear, chemical, and biological warfare capacity.

I could relate many stories and experiences I have enjoyed with Bill Potter. His patient diplomacy and leadership have made important contributions to U.S. national security and international peace. The education, policy information, and policy expertise he will provide through his new position to the students at the Monterey Institute will continue the grand tradition he has established there and ensure that his talents and dedication are continued in a fine academic tradition.

The proliferation of weapons of mass destruction was and remains the No. 1 national security threat facing the United States and the international community. We still have a lot of work to do to address the threats posed by the proliferation of weapons of mass destruction. I congratulate the university and Dr. Potter on this important announcement and look forward to continuing my close relationship with Bill and his colleagues at Monterey as we work together to address the threat posed by the proliferation of weapons of mass destruction. ●

CONGRATULATING PENOBSCOT BAY PORCH SWINGS

● Ms. SNOWE. Madam President, today I congratulate Penobscot Bay Porch Swings of Brunswick, a woman-owned company dedicated to reviving the tradition of porch swings in my home State of Maine.

Inspired by the old-fashioned hammock swings she saw along the Maine coast while on a field trip with her daughter, Sarah Bloy began creating the prototype for what would become the widely popular Penobscot Bay Porch Swing. After 4 years of planning and a trip to the Marine Canvas Training Institute, Ms. Bloy commenced production of her porch swings in January 2005. Each swing, which takes between 8 and 10 hours to make, is delicately produced in a studio workshop at Brunswick's Fort Andross by Ms. Bloy with the assistance of her dedicated employee.

Penobscot Bay Porch Swings is a successful small business due to Ms. Bloy's entrepreneurial and innovative spirit. Her company's hand-made porch swings are similar to those fashionable at the turn of the 20th century in Maine and New England, illiciting nostalgia for some and amazement for many others. Penobscot Bay Porch Swings offers an assortment of styles that were named to celebrate Maine's coastal heritage. The Bar Harbor, Kennebunkport, and Camden are some of the swing styles available. Moreover, the swings' vibrant colors provide a contemporary look to a time-tested design. Choosing between colors, such as Capri blue and Tuscan orange, Jockey red and Seville Seaside stripes, customers have many bright and welcoming options for the color of their swing. And each hammock swing is carefully crafted with mildew resistant Sunbrella fabric to temper the tough elements of New England's climate.

Ms. Bloy has also created the inventive Castine Cradle, a swing-like crib especially designed for babies and infants. Along with the swings and cradles, Ms. Bloy also constructs a plethora of brilliant pillows to coordinate with her swings, in even more creative colors like Beachfront Balsam and Sandrine Sunset. Her sights are set on expanding her business, with the hopes of designing new and more creative products for her clientele to enjoy for seasons to come.

Porch swings and hammocks have long been a staple of east coast life, and Ms. Bloy's expertly crafted swings will help to revitalize interest in this outstanding tradition. Penobscot Bay Porch exemplifies what a small business can accomplish with a pioneering and talented Mainer, such as Sarah Bloy, at the helm. Penobscot Bay Porch Swings has built a reputation of meticulous craftsmanship and durability, and I wish Sarah and everyone at Penobscot Bay Porch Swings the best of luck as they continue to thrive and expand.●

TRIBUTE TO ADMIRAL WESLEY L. McDONALD

● Mr. WARNER. Madam President, today I pay tribute to ADM Wesley L. McDonald, U.S. Navy, Retired, a great American naval officer who served his country in uniform for over 35 years, culminating with his simultaneous assignments as Supreme Allied Commander Atlantic and Commander-in-Chief U.S. Atlantic Command.

Following his illustrious naval career, Admiral McDonald has gone on to promote both education and aviation, giving wise counsel to American industry and valued service on several key boards including the U.S. Navy Memorial Foundation, the U.S. Naval Aviation Museum and the Armed Services YMCA. This year he has been honored with the ''Elder Statesman of Aviation'' Award by the National Aeronautic Association for 15 years of exceptional service to this fine organization.

On 1 December 1985, ADM Wesley L. McDonald retired from his assignment as the Supreme Allied Commander Atlantic, and the Commander-in-Chief of the U.S. Atlantic Command, after having served in the U.S. Navy for over 42 years. He is a former carrier naval aviator who served in various staff and command positions following his graduation from the U.S. Naval Academy in 1946. He also holds a M.S. degree from the George Washington University.

Before entering flight training in 1948, Admiral McDonald was a member of Rear Admiral Richard E. Byrd's South Pole expedition ''High Jump.'' He received his wings in 1950 and served in several carrier fighter and attack squadrons. He participated as a flight leader in the first retaliatory strike into North Vietnam following the Gulf of Tonkin incident in 1964, while serving as the commanding officer of Attack Squadron Fifty-Six. Other command tours included Carrier Air Wing Fifteen, amphibious landing ship dock USS *Hermitage*, LSD–34, and the aircraft carrier USS *Coral Sea*, CV–43.

After promotion to rear admiral in 1972, he was assigned duty as the Commandant, Thirteenth Naval District. This tour was followed by assignment as Commander Carrier Group Three, where Admiral McDonald deployed to the Western Pacific as a Carrier Battle Group Commander in the final stages of the Vietnam war. He continued duty in the Pacific as the commander, Naval Air Force Pacific representative embarked in USS *Midway*, CV–41, homeported in Yokosuka, Japan, in 1974. He then served as the Chief of Naval Air Training in Corpus Christi, TX, for 1 year before being reassigned to Washington, DC, in 1975 as the Deputy Chief of Naval Personnel.

In July 1977, he was promoted to vice admiral and assumed command of the U.S. Second Fleet. Concurrently, Admiral McDonald commanded the NATO Striking Fleet Atlantic. Following this tour, Admiral McDonald was named Deputy Chief of Naval Operations, Air Warfare, where he established policy for the conduct of Naval Air Warfare and served as an advisor to the Chief of Naval Operations for all matters involving Naval Aviation.

He was promoted to the rank of admiral and assumed the duties of Supreme Allied Commander Atlantic, Commander-in-Chief U.S. Atlantic Command, and Commander-in-Chief U.S. Atlantic Fleet in September 1982. During this tour of duty, Admiral McDonald and his staff planned the U.S. intervention in Grenada in October 1983, and was the commander in charge of the successful execution of the operation.

Admiral McDonald's awards include the Defense Distinguished Service Medal, three Navy Distinguished Service Medals, two Legions of Merit, two Distinguished Flying Crosses, five Air Medals, and awards from the Netherlands, Federal Republic of Germany, France, Iceland, Norway, Uruguay, Chile and Brazil.

Throughout his career in the U.S. Navy and the private sector, Admiral McDonald has provided exemplary

leadership and sound professional judgment on issues of importance to the Navy and our country. He is an extraordinary individual and leader whose record of service exemplifies the highest traditions of our military and our country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131 a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House, having proceeded to reconsider the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, November 7, 2007, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

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–3836. A communication from the Deputy Under Secretary of Defense for Logistics and Materiel Readiness, transmitting, pursuant to law, a report relative to the Department's Program for Planning, Managing, and Accounting for Civilian Contractor Services and Contractor Personnel during Contingency Operations; to the Committee on Armed Services.

EC–3837. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–3838. A communication from the Chairman, Examination Council, Federal Financial Institutions, transmitting, pursuant to law, a report relative to a review of their regulations for purposes of identifying outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–3839. 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; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Beauregard, Grant, and St. Mary'' (FRL No. 8491–4) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3840. 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 ''Oxytetracycline; Pesticide Tolerance'' (FRL No. 8153–7) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3841. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Imperial County and Monterey Bay Unified Air Pollution Control Districts'' (FRL No. 8492–3) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3842. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Kern County Air Pollution Control District'' (FRL No. 8489–7) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3843. 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 ''Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries'' ((RIN2060–AN71)(FRL No. 8492–4)) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3844. 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 ''Update of Continuous Instrumental Test Methods: Technical Amendments'' ((RIN2060–AO09)(FRL No. 8490–9)) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3845. 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 ''Railroad Industry Overview'' (Docket No. LMSB–04–1007–072) received on November 2, 2007; to the Committee on Finance.

EC–3846. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program: Changes to the Hospital Outpatient Prospective Payment System and CY 2008 Payment Rates, the Ambulatory Surgical Center Payment System and CY 2008 Payment Rates, the Hospital Inpatient Prospective Payment System and FY 2008 Payment Rates; and Payments for Graduate Medical Education for Affiliated Teaching Hospitals in Certain Emergency Situations'' ((RIN0938–AO71) (RIN0938–AO70) (RIN0938–AO35)) received on November 2, 2007; to the Committee on Finance.

EC–3847. 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 defense services to the Republic of Korea for the manufacture and assembly of the X1100 Series Transmissions; to the Committee on Foreign Relations.

EC–3848. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of

a rule entitled ''Flood Mitigation Assistance'' (RIN1660–AA00) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3849. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Hazard Mitigation Planning and Hazard Mitigation Grant Program'' (RIN1660–AA17) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3850. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Flood Mitigation Grants and Hazard Mitigation Planning'' (RIN1660–AA36) received on November 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3851. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled, ''Statistical Programs of the United States Government: Fiscal Year 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–3852. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 56920) received on October 29, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3853. A communication from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to the Agency's use of the Category Rating System during the period ending September 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3854. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Change in Requirements for Interhandler Transfers of Almonds'' (Docket No. AMS–FV–07–0051) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3855. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for 2007 Crop Cotton Classification Services to Growers'' ((RIN0581–AC75)(Docket No. AMS–CN–07–0060)) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3856. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Use of Estimated Trade Demand to Compute Volume Regulation Percentages'' (Docket No. AMS–FV–07–0071) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3857. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dates Grown or Packed in Riverside County, California; Decreased Assessment Rate'' (Docket No. AMS–FV–07–0104) received on October 29, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3858. 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 ''Export Certification for Wood Packaging Material'' (Docket No. APHIS–2006–0122) received on October 30, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3859. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 03–09; to the Committee on Appropriations.

EC–3860. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XC90) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3861. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC88) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3862. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XC89) received on October 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3863. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Closure of the Commercial Fishery for South Atlantic Golden Tilefish for the 2007 Fishing Year'' (RIN0648–XC83) received on October 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3864. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XC91) received on October 20, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3865. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Broodstock Protection and Effort Reduction Measures for the Area 3 Lobster Fishery'' (RIN0648–AU07) received on October 25, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3866. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework Adjustment 7 to the Summer Flounder, Scup, and Black Sea Bass FMP Final Rule'' (RIN0648–AV21) received on October 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3867. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustments to Groundfish Management Measures'' (RIN0648–AW07) received on October 31, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3868. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report relative to the Defense Cooperation Account; to the Committee on Armed Services.

EC–3869. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Identity Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003'' (Docket No. R–1255) received on October 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3870. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Housing Choice Voucher Program Homeownership Option; Eligibility of Units Not Yet Under Construction'' (RIN2577–AC60) received on October 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3871. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cape Sable Seaside Sparrow in Miami-Dade County, Florida'' (RIN1018–AV79) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3872. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Seven Mussels in the Apalachicolan Region, Alabama, Florida , and Georgia'' (RIN1018–AU87) received on November 2, 2007; to the Committee on Environment and Public Works.

EC–3873. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency relative to the Clean Water Act; to the Committee on Environment and Public Works.

EC–3874. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STORM 100 Revision 4'' (RIN3150–AI23) received on October 24, 2007; to the Committee on Environment and Public Works.

EC–3875. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency relative to its Interim Wet Weather SNC Policy; to the Committee on Environment and Public Works.

EC–3876. 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; State of Colorado; Revised Denver PM10 Maintenance Plan'' (FRL No. 8490–6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3877. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Requests for Rescission'' (FRL No. 8489–4) received on October

30, 2007; to the Committee on Environment and Public Works.

EC–3878. 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 State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions from Existing Other Solid Waste Incinerator Units; Nevada'' (FRL No. 8489–6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3879. 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 ''Pesticide Tolerance Nomenclature Changes; Technical Amendments; Correction'' (FRL No. 8151–4) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3880. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Mojave Desert Air Quality Management District'' (FRL No. 8487–6) received on October 30, 2007; to the Committee on Environment and Public Works.

EC–3881. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, and Other Part B Payment Policies for CY 2008; Revisions to the Payment Policies of Ambulance Services Under the Ambulance Fee Schedule for CY 2008; and the Amendment of the E-Prescribing Exemption for Computer Generated Facsimile Transmissions'' (RIN0938–AO65) received on November 2, 2007; to the Committee on Finance.

EC–3882. A communication from the Program Manager, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisit User Fee Program for Medicare Survey and Certification Activities'' (RIN0938–AP22) received on November 2, 2007; to the Committee on Finance.

EC–3883. 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 firearms to Georgia for use by the Georgian Defense Ministry; to the Committee on Foreign Relations.

EC–3884. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Amendments to Acquisition Regulations'' (AIDAR Circular 2007–02) received on October 26, 2007; to the Committee on Foreign Relations.

EC–3885. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Annual Performance Plan for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008'' (Rept. No. 110–221).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 597. A bill to extend the special postage stamp for breast cancer research for 2 years (Rept. No. 110–222).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 589. A bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee (Rept. No. 110–223).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 798. A bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy (Rept. No. 110–224).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany S. 775, a bill to establish a National Commission on the Infrastructure of the United States (Rept. No. 110-225).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. SANDERS, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. CARPER, Mr. OBAMA, and Ms. KLOBUCHAR):

S. 2315. A bill to prohibit an entity under the jurisdiction of a Federal agency from paying for travel by employees of that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. BIDEN, Mr. REED, Mr. KERRY, Ms. CANTWELL, Mr. LEAHY, Mr. DURBIN, Mrs. BOXER, Mr. HARKIN, Mrs. MURRAY, Mr. DODD, Mr. SANDERS, Mr. OBAMA, Mr. MENENDEZ, Mr. KOHL, Mr. CARDIN, Mrs. CLINTON, Mr. WYDEN, Mr. SALAZAR, Mr. SCHUMER, Mr. KENNEDY, Ms. STABENOW, Mr. WHITEHOUSE, Mr. LAUTENBERG, and Mr. CASEY):

S. 2316. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. BUNNING, and Mr. SMITH):

S. 2318. A bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes; read the first time.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 2319. A bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 2320. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER):

S. 2321. A bill to amend the E-Government Act of 2002 (Public Law 107-347) to reauthorize appropriations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN:

S. 2322. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 2323. A bill to provide for the conduct of carbon capture and storage technology research, development, and demonstration projects, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 562

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 562, a bill to provide for flexibility and improvements in elementary and secondary education, and for other purposes.

S. 1142

At the request of Mr. GREGG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1142, a bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1418

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) 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. 1512

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1638

At the request of Mr. LEAHY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1880

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1880, a bill to amend the Animal Welfare Act to prohibit dog fighting ventures.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2068

At the request of Mr. BAYH, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2068, a bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. BOND), the Senator from Oregon (Mr. SMITH), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Dakota (Mr. CONRAD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2159

At the request of Mr. NELSON of Florida, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. BROWN), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2168

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor 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. 2172

At the request of Mr. MCCAIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. HAGEL) 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. 2250

At the request of Mr. CRAPO, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2250, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program.

S. 2278

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2278, a bill to improve the prevention, detection, and treatment of community and healthcare-associated infections (CHAI), with a focus on antibiotic-resistant bacteria.

S. 2289

At the request of Mr. ALEXANDER, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2313

At the request of Mr. BROWN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2313, a bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 366

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 366, a resolution designating November 2007 as ''National Methamphetamine Awareness Month'', to increase awareness of methamphetamine abuse.

S. RES. 368

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 368, a resolution expressing the sense of the Senate that, at the 20th Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should pursue a moratorium on the eastern Atlantic and Mediterranean bluefin tuna fishery to ensure control of the fishery and further facilitate recovery of the stock, pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and seek a review of compliance by all Nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendation for Atlantic bluefin tuna and other species, and for other purposes.

S. RES. 370

At the request of Mrs. DOLE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 370, a resolution supporting and encouraging greater support for Veterans Day each year.

AMENDMENT NO. 3502

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3502 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3543

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3543 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2317. A bill to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the Intellectual Property Enforcement Act of 2007. Congress is charged ''to promote the progress of science and useful arts,'' and part of promotion is protection. This legislation will enhance existing intellectual property enforcement laws, provide more resources to combat infringement, and harmonize copyright and trademark laws. I thank Senator CORNYN for joining me in this effort, which is a high priority of mine, and also of the creative communities and industries across the country.

Each year, counterfeiting and copyright infringement cost the U.S. economy billions of dollars. The International Anti-Counterfeiting Coalition estimates that counterfeiting and piracy cost American businesses $250 billion a year, and hundreds of thousands of jobs as well. Clearly, IP theft is big business, and that can devastate small businesses. No one knows this better than Vermont companies such as Hubbardton Forge, Vermont Teddy Bear Company, and Burton Snowboards. Each of these companies, and many others like them across the Nation invests time, money, and effort in the development of new products. When their products are infringed, it devalues the product and threatens the company.

Senator CORNYN and I have heard from a myriad of interested parties about the importance of protecting intellectual property, and have seen many enforcement proposals. The legislation we introduce today will serve as the core of our legislative effort this year. It will start the process of considering how to ensure that our enforcement laws are up to the task, and that the necessary resources are in place to enforce them. Other Senators have introduced legislation to address these issues, and the Department of Justice and others have suggested legislative language. These are all helpful to the debate, and I expect there will be more to come. Introduction of the Intellectual Property Enforcement Act of 2007 is the beginning of this important effort.

The centerpiece of the bill we introduce today gives the Department of Justice the ability to bring civil actions against copyright infringers. Punishment should fit the crime, and a civil action is often more appropriate to the wrong being done in such cases than is criminal prosecution. This concept has passed the Senate on three separate occasions, as the PIRATE Act. Next, this bill adds resources for agents to combat infringement. It does not matter how strong our laws are, if there are not enough agents, or if our agents do not have the proper expertise to investigate and prosecute crimes, piracy will flourish and harm our economy. Third, this bill allows for ''harmless errors'' on copyright registration forms. Copyright registration should not be voided by innocently checking the wrong box or misspelling a word on a form. Finally, this bill harmonizes the forfeiture provisions in the copyright and trademark statutes.

By enacting well-balanced enforcement laws, we can protect both the creators and the consumers of intellectual property. It is impossible to put a price tag on creativity, but we must do all we can to protect the fruits of creative labor.

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. 2317

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 ''Intellectual Property Enforcement Act of 2007''.

SEC. 2. AUTHORIZATION OF CIVIL COPYRIGHT ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by inserting after section 506 the following:

''§ 506a. Civil penalties for violations of section 506

''(a) IN GENERAL.—In lieu of a criminal action under section 506, the Attorney General may commence a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 506. Upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty under section 504 which shall be in an amount equal to the amount which would be awarded under section 3663(a)(1)(B) of title 18 and restitution to the copyright owner aggrieved by the conduct.

''(b) OTHER REMEDIES.—

''(1) IN GENERAL.—Imposition of a civil penalty under this section does not preclude any other criminal or civil statutory, injunctive, common law, or administrative remedy, which is available by law to the United States or any other person.

''(2) OFFSET.—Any restitution received by a copyright owner as a result of a civil action brought under this section shall be offset against any award of damages in a subsequent copyright infringement civil action by that copyright owner for the conduct that gave rise to the civil action brought under this section.''.

(b) DAMAGES AND PROFITS.—Section 504 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) by inserting '', or the Attorney General in a civil action,'' after ''The copyright owner''; and

(ii) by striking ''him or her'' and inserting ''the copyright owner''; and

(B) in the second sentence by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', or the Attorney General in a civil action,'' after ''the copyright owner''; and

(B) in paragraph (2), by inserting '', or the Attotrney General in a civil action,'' after ''the copyright owner''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by inserting after the item relating to section 506 the following:

''506a. Civil penalties for violation of section 506.''.

SEC. 3. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.

(a) IN GENERAL.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) create an operational unit of the Federal Bureau of Investigation—

(A) to work with the Computer Crime and Intellectual Property section of the Department of Justice on the investigation and coordination of intellectual property crimes that are complex, committed in more than 1 judicial district, or international;

(B) that consists of at least 10 agents of the Bureau; and

(C) that is located at the headquarters of the Bureau;

(2) ensure that any unit in the Department of Justice responsible for investigating computer hacking or intellectual property crimes is assigned at least 2 agents of the Federal Bureau of Investigation (in addition to any agent assigned to such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes; and

(3) implement a comprehensive program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes;

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes; and

(C) that requires such agents who investigate or prosecute intellectual property crimes to attend the program annually.

(b) INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.—Not later than 120

days after the date of the enactment of this Act, the Attorney General shall assign 1 Federal prosecutor to the appropriate office of the Department of Justice located in Hong Kong and 1 Federal prosecutor to such an office located in Budapest, Hungary, to assist in the coordination of the enforcement of intellectual property laws between the United States and foreign nations.

(c) ORGANIZED CRIME TASK FORCE.—Not later than 120 days after the date of the enactment of this Act, the Attorney General, through the United States Attorneys' Offices, the Computer Crime and Intellectual Property section, and the Organized Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, shall create a Task Force to develop and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to the theft of intellectual property.

(d) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $12,000,000 for each of fiscal years 2008 through 2011.

SEC. 4. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE CRIMINAL ACTIVITY INVOLVING COMPUTERS.

(a) ADDITIONAL FUNDING FOR RESOURCES.—

(1) AUTHORIZATION.—In addition to amounts otherwise authorized for resources to investigate and prosecute criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2008 through 2011—

(A) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) USE OF ADDITIONAL FUNDING.—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(1) hire and train law enforcement officers to—

(A) investigate crimes committed through the use of computers and other information technology, including through the use of the Internet; and

(B) assist in the prosecution of such crimes; and

(2) procure advanced tools of forensic science to investigate, prosecute, and study such crimes.

SEC. 5. REGISTRATION IN CIVIL INFRINGEMENT ACTIONS.

(a) LIMITATION TO CIVIL ACTIONS; HARMLESS ERROR.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting ''**civil**'' before ''**infringement**'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''no action'' and inserting ''no civil action''; and

(B) in the second sentence, by striking ''an action'' and inserting ''a civil action'';

(3) in subsection (b)—

(A) by redesignating that subsection as subsection (c); and

(B) by striking ''506 and sections 509 and'' and inserting ''505 and section''; and

(4) by inserting after subsection (a) the following:

''(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

''(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

''(B) the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

''(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.'';''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 412 of title 17, United States Code, is amended by striking ''411(b)'' and inserting ''411(c)''.

(2) The item relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

''411. Registration and civil infringement actions.''.

SEC. 6. CIVIL REMEDIES FOR INFRINGEMENT.

(a) IN GENERAL.—Section 503(a) of title 17, United States Code, is amended—

(1) by striking ''and of all plates'' and inserting '', of all plates''; and

(2) by striking the period and inserting '', and of records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter an appropriate protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to any party.''.

(b) PROTECTIVE ORDERS FOR SEIZED RECORDS.—Section 34(d)(1)(A) of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes.'', approved July 5, 1946 (commonly referred to as the Trademark Act of 1946) (15 U.S.C. 1116(d)(1)(A)) is amended by adding ''The court shall enter an appropriate protective order with respect to discovery of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to any party.'' after the first sentence.

SEC. 7. CRIMINAL INFRINGEMENT.

(a) FORFEITURE AND DESTRUCTION; RESTITUTION.—Section 506(b) of title 17, United States Code, is amended to read as follows:

''(b) FORFEITURE, DESTRUCTION, AND RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

(b) SEIZURES AND FORFEITURES.—

(1) REPEAL.—Section 509 of title 17, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 509.

SEC. 8. IMPORTATION AND EXPORTATION.

(a) IMPORTATION AND EXPORTATION OF INFRINGING ITEMS.—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) in the first sentence, by striking ''Importation'' and inserting ''(1) Importation'';

(3) by striking ''106, actionable'' and inserting ''106 and is actionable'';

(4) by striking ''This subsection does not apply to—'' and inserting the following:

''(2) Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright or would have constituted an infringement of copyright if this title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106 and is actionable under sections 501 and 506.

''(3) This subsection does not apply to—'';

(5) in subparagraph (A), as redesignated, by inserting ''or exportation'' after ''importation'';

(6) in subparagraph (B), as redesignated—

(A) by striking '', for the private use of the importer'' and inserting ''or exportation, for the private use of the importer or exporter''; and

(B) by inserting ''or departing from the United States'' after ''outside the United States''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The section heading for section 602 of title 17, United States Code, is amended by inserting ''**or exportation**'' after ''**importation**''.

(2) The table of sections for chapter 6 of title 17, United States Code, is amended by inserting ''or exportation'' after ''importation''.

(3) The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

''CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION''.

(4) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

''6. Manufacturing Requirements, Importation, and Exportation ..... 601''.

SEC. 9. DEFINING TERMS RELATING TO CIRCUMVENTION OF COPYRIGHT PROTECTION SYSTEMS.

Section 1201 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''import,''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iii) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

''(B) the term 'financial gain' includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works;''; and

(iv) by adding at the end the following:

''(C) the term 'traffic in' means to transport, transfer, or otherwise dispose of, to another, for purposes of commercial advantage or private financial gain, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''import,''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iii) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

''(B) the term 'financial gain' includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works;''; and

(iv) by adding at the end the following:

''(D) the term 'traffic in' means to transport, transfer, or otherwise dispose of, to another, or to make, import, export, obtain control of, or possess, with intent to so transport, transfer, or otherwise dispose of.''.

SEC. 10. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.

Section 1834 of title 18, United States Code, is amended to read as follows:

''§ 1834. Criminal forfeiture

''Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

SEC. 11. TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT LABELS, OR COUNTERFEIT DOCUMENTATION OR PACKAGING FOR WORKS THAT CAN BE COPYRIGHTED.

Section 2318 of title 18, United States Code, is amended as follows:

(1) Subsection (a) is amended——

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by striking ''Whoever'' and inserting ''(1) Whoever''.

(2) Section 2318(d) is amended to read as follows:

''(d) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

(3) Section 2318 is further amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

SEC. 12. UNAUTHORIZED RECORDING OF MOTION PICTURES.

Section 2319B(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

SEC. 13. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

SEC. 14. FORFEITURE, DESTRUCTION, AND RESTITUTION.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''§ 2323. Forfeiture, destruction, and restitution

''(a) CIVIL FORFEITURE.—

''(1) PROPERTY SUBJECT TO FORFEITURE.—The following property is subject to forfeiture to the United States:

''(A) Any article the making or trafficking of which is prohibited under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title.

''(B) Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A).

''(C) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of an offense referred to in subparagraph (A).

''(2) PROCEDURES.—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, unless otherwise requested by an agency of the United States, the court shall order that any property forfeited under paragraph (1) be destroyed, or otherwise disposed of according to law.

''(b) CRIMINAL FORFEITURE.—

''(1) PROPERTY SUBJECT TO FORFEITURE.—The court, in imposing sentence on a person convicted of an offense under section 506 or 1204 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, shall order, in addition to any other sentence imposed, that the person forfeit to the United States any property subject to forfeiture under subsection (a) for that offense.

''(2) PROCEDURES.—

''(A) IN GENERAL.—The forfeiture of property under paragraph (1), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

''(B) DESTRUCTION.—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States—

''(i) shall order that any forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and

''(ii) shall order that any infringing items or other property described in subsection (a)(1)(A) and forfeited under paragraph (1) of this subsection be destroyed or otherwise disposed of according to law.

''(c) RESTITUTION.—When a person is convicted of an offense under section 506 or 1204 of title 17 or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, the court, pursuant to sections 3556, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii) of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''2323. Forfeiture, destruction, and restitution.''.

SEC. 15. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—

(1) Section 109 (b)(4) of title 17, United States Code, is amended by striking ''505, and 509'' and inserting ''and 505''.

(2) Section 111 of title 17, United States Code, is amended—

(A) in subsection (b), by striking ''and 509'';

(B) in subsection (c)—

(i) in paragraph (2), by striking ''and 509'';

(ii) in paragraph (3), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(iii) in paragraph (4), by striking ''and section 509''; and

(C) in subsection (e)—

(i) in paragraph (1), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(ii) in paragraph (2), by striking ''and 509''.

(3) Section 115(c) of title 17, United States Code, is amended—

(A) in paragraph (3)(G)(i), by striking ''and 509''; and

(B) in paragraph (6), by striking ''and 509''.

(4) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (6), by striking ''sections 509 and 510'' and inserting ''section 510'';

(B) in paragraph (7)(A), by striking ''and 509'';

(C) in paragraph (8), by striking ''and 509''; and

(D) in paragraph (13), by striking ''and 509''.

(5) Section 122 of title 17, United States Code, is amended—

(A) in subsection (d), by striking ''and 509'';

(B) in subsection (e), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(C) in subsection (f)(1), by striking ''and 509''.

(6) Section 411(b) of title 17, United States Code, is amended by striking ''sections 509 and 510'' and inserting ''section 510''.

(b) OTHER AMENDMENTS.—Section 596(c)(2)(c) of the Tariff Act of 1950 (19 U.S.C. 1595a(c)(2)(c)) is amended by striking ''or 509''.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 2320. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, Organ transplantation is one of the most remarkable success stories in the history of medicine. No longer is it considered experimental. Today, transplants are accepted as the best treatment for certain diseases, including End Stage Renal Disease. Approximately 28,000 organ transplants were performed last year in the U.S. The vast majority of transplants are provided to patients in need of a kidney.

Our Medicare system provides health care to millions of aged and disabled Americans, as well as those living with ESRD, each year. Thousands of Americans receive a Medicare-covered kidney transplant each year through the Medicare ESRD Program, which also covers dialysis, immunosuppressive drugs, and other medically important services.

Unfortunately, there are long waiting lists for people who need an organ. Today there are over 98,000 individuals waiting for a transplant. For those lucky enough to receive one, the next challenge is to obtain coverage for immunosuppressive drugs—medications that organ transplant recipients must take every day for the life of their transplant to reduce the risk of organ rejection.

In 2000, Congress wisely eliminated the 36-month time limitation for Medicare-aged and Medicare-disabled beneficiaries who had Medicare status at the time of transplant. Today, for an older or disabled person on Medicare, coverage for immunosuppressive drugs is covered for the life of the transplant.

However, we still have an unfair and unrealistic gap in coverage for people with ESRD who are neither disabled nor elderly. For those transplant recipients, coverage for immunosuppressive drugs ends 36 months after transplantation. For example, Medicare would pay for a 26-year-old woman

living with ESRD to have lifelong dialysis at $50,000 per year. Medicare would cover the cost of a transplant for her at $100,000 per transplant operation. But, the immunosuppressive drugs she would need to ensure the organ is not rejected by her body are only covered by Medicare for 36 months, even though the drugs cost the Government only $15,000 per year.

This is economically inefficient and morally wrong. Without regular access to immunosuppressive drugs to prevent rejection, many patients find themselves back in a risky and frightening place—in need of a new kidney. This senseless cycle of care costs taxpayers a lot of money and puts thousands of lives on the line.

I am pleased to introduce today, along with my colleague from Mississippi, Senator THAD COCHRAN, the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act. This legislation would alleviate the disparity between coverage for immuno-suppresive drugs among Medicare beneficiaries. It is time to provide lifetime coverage for immunosuppressive drugs through Medicare. We will reduce the need for dialysis and kidney re-transplants and provide reliable, sustained access to critically important, life-saving medications for thousands of Americans. In the long run, we will save money and lives.

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 placed in the RECORD, as follows:

S. 2320

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 ''Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007''.

SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking ''Every individual who'' and inserting ''(a) IN GENERAL.—Every individual who''; and

(B) by adding at the end the following new subsection:

''(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

''(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226A(b)(2), the following rules shall apply:

''(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

''(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

''(C) The provision of such drugs shall be subject to the application of—

''(i) the deductible under section 1833(b); and

''(ii) the coinsurance amount applicable for such drugs (as determined under this part).

''(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

''(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

''(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226A(b)(2); and

''(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.''.

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2707)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of immunosuppressive drugs.''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of immunosuppressive drugs for kidney transplant recipients.'';

and

(2) by inserting after section 9812 the following:

''SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

''A group health plan shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2007, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2008.

By Mr. CARDIN:

S. 2322. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met; to the Committee on Foreign Relations.

Mr. CARDIN. Mr. President, today I am introducing a bill to amend the International Center Act to make it clear that Intelsat can continue to lease the land on which its headquarters building is located.

Congress created Intelsat when it passed the Communications Satellite Act in the 1960s, intending it to be an international organization charged with establishing the world's first global satellite system. In 2000, Congress passed the ORBIT Act, which essentially mandated that Intelsat become a private company. The purpose of the ORBIT Act was to promote a fully competitive global market for satellite

communication services for the benefit of consumers. Congress inadvertently overlooked some important changes that were required to complete this transformation and, as a result, had to make technical changes to correct these oversights.

One technical correction still needs to be made, however: the International Center Act, ICA, must be amended to ensure that Intelsat's lease of the land on which its headquarters is located comports with the law. The U.S. Government owns this land. The State Department and Intelsat entered into a long-term lease for the land on which Intelsat built its headquarters many years ago. Intelsat constructed and fully owns the building. The lease was originally entered into pursuant to the ICA and has been amended several times over the years, most recently in 2006. The ICA, however, limits leases of this property to foreign governments and international organizations. At the time Intelsat leased the property and built its headquarters building, it was an international organization.

When Congress mandated in the ORBIT Act that Intelsat privatize, it created a problem regarding Intelsat's land lease. Once Intelsat was no longer an international organization, it technically no longer satisfied the requirements of the ICA. In other words, Congress' action requiring Intelsat to privatize has left the company's right to continue to lease the land in question. But it was never the intent of the ORBIT Act to create this uncertainty with respect to the legality of Intelsat's land lease.

The bill I am introducing amends the ICA to eliminate this uncertainty that the ORBIT Act created regarding the lease. It is necessary to ensure that the now privatized Intelsat can continue to lease the land. My bill would in no way alter the rights or obligations of the parties or any of the lease terms or conditions. It in no way expands any of Intelsat's rights under the existing lease. Nor does it change in any way the rights or powers that the State Department currently has under the lease. The Secretary of State will continue to have the same right to prohibit any use, development, occupancy, lease, or sublease as is currently authorized under the existing lease. My bill makes no substantive change in the relationship between the State Department and Intelsat. It merely eliminates the inconsistency between the lease and the ICA that was caused by Intelsat's privatization—which Congress required when it passed the ORBIT Act.

The State Department has approved this legislation to amend the ICA. I hope my colleagues will support the bill, too, and act on it expeditiously.

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. 2322

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

SECTION 1. AMENDMENT TO THE INTERNATIONAL CENTER ACT.

The first section of the International Center Act (Public Law 90–553; 82 Stat. 958) is amended by adding at the end the following new sentence: ''Notwithstanding the foregoing limitations, the property identified by the District of Columbia as tax lots 803, 804, 805, and 806 within the area described in this section may be leased or subleased to an entity other than a foreign government or international organization, so long as the Secretary maintains the right to approve the occupant and the intended use of the property.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3544. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3545. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3546. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3547. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3548. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3549. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3550. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3551. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3552. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3553. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3554. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3555. Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3556. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3557. Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

SA 3558. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3559. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3560. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3561. Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3562. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3563. Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3564. Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3565. Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes.

TEXT OF AMENDMENTS

SA 3544. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1492, after line 23, add the following:

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Section 40A(f)(3) (defining renewable diesel) is amended by adding at the end the following new flush sentence:

''The term 'renewable diesel' also means fuel derived from biomass (as defined in section 45K(c)(3)) using a thermal depolymerization process which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.''.

SA 3545. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 9001(3)(B) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) is amended by striking clause (iii) and inserting the following:

''(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste and byproducts (including fats, oils, greases, and manure), food waste, and yard waste;

SA 3546. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 10101 (relating to definitions) and insert the following:

SEC. 10101. DEFINITIONS.

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking ''When used in this Act—'' and inserting ''In this Act:'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking ''clause (1), (2), or (3) of this paragraph'' and inserting ''clause (i), (ii), or (iii)'';

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking ''The term 'association of producers' means'' and inserting the following:

''(2) ASSOCIATION OF PRODUCERS.—

''(A) IN GENERAL.—The term 'association of producers' means''; and

(B) by adding at the end the following:

''(B) INCLUSION.—The term 'association of producers' includes an organization of agricultural producers dedicated to promoting the common interest and general welfare of producers of agricultural products.'';

(7) in paragraph (3) (as so redesignated)—

(A) by striking ''The term'' and inserting the following:

''(3) HANDLER.—

''(A) IN GENERAL.—The term''; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

''(B) EXCLUSION.—The term 'handler' does not include—

''(i) a producer; or

''(ii) a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer.''; and

(8) by adding at the end the following:

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.''.

SA 3547. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 10103 and 10104 and insert the following:

SEC. 10103. ENFORCEMENT.

The Agricultural Fair Practices Act of 1967 is amended—

(1) by striking section 6 (7 U.S.C. 2305);

(2) by redesignating sections 5 and 7 (7 U.S.C. 2304, 2306) as sections 7 and 8, respectively; and

(3) by inserting after section 4 the following:

''SEC. 5. ENFORCEMENT.

''(a) CIVIL ACTIONS BY THE SECRETARY AGAINST HANDLERS.—In any case in which the Secretary has reasonable cause to believe that a handler or group of handlers has engaged in any act or practice that violates this Act, the Secretary may bring a civil action in United States district court by filing a complaint requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the handler.

''(b) CIVIL ACTIONS AGAINST HANDLERS.—

''(1) PREVENTIVE RELIEF.—

''(A) IN GENERAL.—In any case in which any handler has engaged, or there are reasonable grounds to believe that any handler is about to engage, in any act or practice prohibited by this Act, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved in United States district court.

''(B) SECURITY.—The court may provide that no restraining order or preliminary injunction shall issue unless security is provided by the applicant, in such sum as the court determines to be appropriate, for the payment of such costs and damages as may be incurred or suffered by any party that is found to have been wrongfully enjoined or restrained.

''(2) DAMAGES.—

''(A) IN GENERAL.—Any person injured in the business or property of the person by reason of any violation of, or combination or conspiracy to violate, this Act may bring a civil action in United States district court to recover—

''(i) damages sustained by the person as a result of the violation; and

''(ii) any additional penalty that the court may allow, but not more than $1,000 per violation.

''(B) LIMITATION ON ACTIONS.—A civil action under subparagraph (A) shall be barred unless commenced within 4 years after the cause of action accrues.

''(3) ATTORNEYS' FEES.—In any action commenced under paragraph (1) or (2), any person that has violated this Act shall be liable to any person injured as a result of the violation for the full amount of the damages sustained as a result of the violation, including costs of the litigation and reasonable attorneys' fees.

''(c) JURISDICTION OF DISTRICT COURTS.—The district courts of the United States shall—

''(1) have jurisdiction of proceedings instituted pursuant to this section; and

''(2) exercise that jurisdiction without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

''(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be considered to be the act, omission, or failure of the other person.

''(e) RELATIONSHIP TO STATE LAW.—Nothing in this Act—

''(1) changes or modifies State law in effect on the date of enactment of this subsection; or

''(2) deprives a State court of jurisdiction.''.

SEC. 10104. RULES AND REGULATIONS.

The Agricultural Fair Practices Act of 1967 is amended by inserting after section 5 (as amended by section 10103) the following:

''SEC. 6. RULES AND REGULATIONS.

''The Secretary may promulgate such rules and regulations as are necessary to carry out this Act, including rules or regulations necessary to clarify what constitutes fair and normal dealing for purposes of the selection of customers by handlers.''.

SA 3548. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike subparagraph (A) of section 2(a)(14) of the Packers and Stockyards Act, 1921 (as amended by section 10203), and insert the following:

''(A) IN GENERAL.—The term 'production contract' means a written agreement that—

''(i)(I) provides for the production of livestock or poultry by a contract producer; or

''(II) provides for the provision of a management service relating to the production of livestock or poultry by a contract producer; and

''(ii) contains an investment requirement.''.

SA 3549. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Section 10208 (relating to regulations) is amended—

(1) in subsection (a), by striking the subsection designation and heading; and

(2) by striking subsection (b).

SA 3550. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 863, strike line 24 and insert the following:

''(j) SENSE OF CONGRESS.—It is the sense of Congress that, in developing and deploying broadband technology, Federal, State, and local officials should, to the maximum extent practicable, minimize any negative impact on the scenic beauty of the United States, including through the use of technology that camouflages, collocates, or conceals broadband towers.

''(k) FUNDING.—

On page 865, line 12, strike ''(k)'' and insert ''(l)''.

SA 3551. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 401(b)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998 (as amended by section 7201(a)), redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and insert before subparagraph (B) (as so redesignated) the following:

''(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Account—

''(i) $24,000,000 for fiscal year 2010; and

''(ii) $25,000,000 for each of fiscals year 2011 and 2012.

Strike section 12302.

SA 3552. Mr. ALEXANDER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1471, strike lines 10 through 22.

SA 3553. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

SEC. 12301. CREDIT FOR BUSINESS WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by adding ''or'' at the end of clause (iv), and by inserting after clause (iv) the following new clause:

''(v) qualified small wind energy property,''.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(1) by inserting ''; QUALIFIED SMALL WIND ENERGY PROPERTY'' after ''QUALIFIED MICROTURBINE PROPERTY'' in the heading,

(2) by striking ''For purposes of this subsection'' and inserting ''For purposes of this section'',

(3) by striking ''paragraph (1)'' in paragraphs (1)(B) and (2)(B) and inserting ''subsection (a)(1)'', and

(4) by adding at the end the following new paragraph:

''(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property which is—

''(i) a farm (within the meaning of section 2032A(e)(4), or

''(ii) a small business (within the meaning of section 44(b)(1)) located in a rural area (within the meaning of clause (i) or (ii) of section 1400E(a)(2)(B)).

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $4,000 with respect to any taxpayer.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which—

''(i) has a nameplate capacity of not more than 100 kilowatts, and

''(ii) meets the performance standards of the American Wind Energy Association.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2008.''.

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.

(e) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

SA 3554. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1465, strike line 6 through page 1469, line 13 and insert the following:

SEC. 12301. CREDIT FOR RESIDENTIAL AND BUSINESS WIND PROPERTY.

(a) RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) (relating to allowance of credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) (relating to maximum credit) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $4,000 with respect to any qualified small wind energy property expenditures.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for qualified small wind energy property (as defined in section 48(c)(3)(A)) installed on or in connection with a dwelling unit and related real property of greater than 100 acres that is located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) (relating to wind facility) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) (relating to maximum expenditures) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of wind turbines for which qualified small wind energy property expenditures are made.''.

(b) BUSINESS WIND PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking ''or'' at the end of clause (iii), by adding ''or'' at the end of clause (iv), and by inserting after clause (iv) the following new clause:

''(v) qualified small wind energy property,''.

(2) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended—

(A) by inserting ''; QUALIFIED SMALL WIND ENERGY PROPERTY'' after ''QUALIFIED MICROTURBINE PROPERTY'' in the heading,

(B) by striking ''For purposes of this subsection'' and inserting ''For purposes of this section'',

(C) by striking ''paragraph (1)'' in paragraphs (1)(B) and (2)(B) and inserting ''subsection (a)(1)'', and

(D) by adding at the end the following new paragraph:

''(3) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity, installed on or in connection with real property the area of which is greater than 100 acres.

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $4,000 with respect to any taxpayer.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which—

''(i) has a nameplate capacity of not more than 100 kilowatts, and

''(ii) meets the performance standards of the American Wind Energy Association.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2008.''.

(4) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs

(1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), and (3)(B)''.

(c) PREEMPTION.—Nothing in this section preempts State or local laws regarding the zoning, siting, or permitting of wind turbines.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2007.

SA 3555. Mr. KOHL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE XIII—HOUSING ASSISTANCE COUNCIL

SEC. 13001. SHORT TITLE.

This title may be cited as the ''Housing Assistance Council Authorization Act of 2007''.

SEC. 13002. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by such Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council—

(1) $10,000,000 for fiscal year 2008; and

(2) $15,000,000 for each of fiscal years 2009, 2010, 2011, and 2012.

SA 3556. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1014, line 9, insert ''(after taking into consideration recommendations made by the National Academy of Sciences)'' after ''President''.

SA 3557. Mrs. HUTCHISON (for herself and Mr. HARKIN) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Statement of Appropriations.
LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2008
Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

SEC. 2. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008.

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For necessary expenses of the Workforce Investment Act of 1998 (''WIA''), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,618,940,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, $483,371,000 as follows:

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $6,300,000 shall be available on October 1, 2007, of which $63,792,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to $125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That $2,600,000 shall be for a noncompetitive grant to the National Center on Education and the Economy, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) $55,039,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) $82,740,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $77,265,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $4,975,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: *Provided*, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and

(E) $62,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, $141,059,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) $50,569,000 for Pilots, Demonstrations, and Research, of which $5,000,000 shall be for grants to address the employment and training needs of young parents (notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D) of the WIA): *Provided*, That funding provided to carry out projects under section 171 of the WIA that are identified in the statement of the managers on the conference report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $78,694,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D), of which not less than $59,000,000 shall be for youthful offender activities: *Provided*, That $50,000,000 shall be available from program year 2007 and program year 2008 funds for competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) $4,921,000 for Evaluation under section 172 of the WIA; and

(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,000 are rescinded.

Of the unexpended balances remaining from funds appropriated to the Department of Labor under this heading for fiscal years 2005 and 2006 to carry out the Youth, Adult and Dislocated Worker formula programs under the Workforce Investment Act, $245,000,000 are rescinded: *Provided,* That the Secretary of Labor may, upon the request of a State, apply any portion of the State's share of this rescission to funds otherwise available to the State for such programs during program year 2007: *Provided further,* That notwithstanding any provision of such Act, the Secretary may waive such requirements as may be necessary to carry out the instructions relating to this rescission in the statement of the managers on the conference report accompanying this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $530,900,000, which shall be available for the period July 1, 2008 through June 30, 2009.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $90,517,000, together with not to exceed $3,337,506,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) $32,766,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $52,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) $14,649,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

Provided, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further,* That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further,* That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided,* That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further,* That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $88,451,000, together with not to exceed $88,211,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $142,925,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 4201 et seq.), within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $435,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31

U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $102,000,000 are rescinded.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by chapter 81 of title 5, United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: *Provided further*, That not later than 30 days after enactment of this Act, in addition to other sums transferred by the Secretary to the National Institute for Occupational Safety and Health (''NIOSH'') for the administration of the Energy Employees Occupational Illness Compensation Program (''EEOICP''), the Secretary shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund, for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities under the EEOICP, including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration ''Salaries and Expenses''; not to exceed $24,785,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $335,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $500,568,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007 to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the

House of Representatives and the Senate with timetables for the development and issuance of occupational safety and health standards on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization; such timetables shall include actual or estimated dates for: the publication of an advance notice of proposed rulemaking, the commencement and completion of a Small Business Regulatory Enforcement Fairness Act review (if required), the completion of any peer review (if required), the submission of the draft proposed rule to the Office of Management and Budget for review under Executive Order No. 12866 (if required), the publication of a proposed rule, the conduct of public hearings, the submission of a draft final rule to the Office and Management and Budget for review under Executive Order No. 12866 (if required), and the issuance of a final rule; and such report shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 90 days of the enactment of this Act, with updates provided every 90 days thereafter that shall include an explanation of the reasons for any delays in meeting the projected timetables for action.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $339,893,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams, and $1,215,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $488,804,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $304,856,000, of which $82,516,000 is for the Bureau of International Labor Affairs (including $5,000,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $20,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,650,516,000, plus reimbursements, as follows:

(1) $1,507,684,000 for Job Corps Operations, of which $916,684,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;

(2) $113,960,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $13,960,000 is available for the period July 1, 2008 through June 30, 2011 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of sections 4100–4113, 4211–4215, and 4321–4327 of title 38, United States Code, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $72,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. After September 30, 2007, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $110) that each of its employees of the National Capital Region is eligible to receive.

SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 107. None of the funds made available to the Department of Labor for grants under

section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to grants awarded under section 107 of this title and to multi-year grants awarded in response to competitive solicitations issued prior to April 15, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. (a) On or before November 30, 2007, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate a final occupational safety and health standard concerning employer payment for personal protective equipment. The final standard shall provide no less protection to employees and shall have no further exceptions from the employer payment requirement than the proposed rule published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402).

(b) In the event that such standard is not promulgated by the date required, the proposed standard on employer payment for personal protective equipment published in the Federal Register on March 31, 1999 (64 Fed. Reg. 15402) shall become effective as if such standard had been promulgated as a final standard by the Secretary of Labor.

SEC. 112. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 113. (a) Not later than June 20, 2008, the Secretary of Labor shall propose regulations pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977, consistent with the recommendations of the Technical Study Panel established pursuant to section 11 of the Mine Improvement and New Emergency Response (MINER) Act (Public Law 109–236), to require that in any coal mine, regardless of the date on which it was opened, belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary. Further, a mine ventilation plan incorporating the use of air coursed through belt haulage entries to ventilate active working places shall not be approved until the Assistant Secretary has reviewed the elements of the plan related to the use of belt air and determined that the plan at all times affords at least the same measure of protection where belt haulage entries are not used to ventilate working places. The Secretary shall finalize the regulations not later than December 31, 2008.

(b) Not later than June 15, 2008, the Secretary of Labor shall propose regulations pursuant to section 315 of the Federal Coal Mine Health and Safety Act of 1969, consistent with the recommendations of the National Institute for Occupational Safety and Health pursuant to section 13 of the MINER Act (Public Law 109–236), requiring rescue chambers, or facilities that afford at least the same measure of protection, in underground coal mines. The Secretary shall finalize the regulations not later than December 31, 2008.

SEC. 114. None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the ''Department of Labor Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $7,235,468,000, of which $317,684,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the statement of the managers on the conference report accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, $160,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: *Provided further*, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $310,910,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, $1,868,809,000 shall remain available to the Secretary of Health and Human Services through September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act: *Provided further*, That within the amounts provided for part A of title XXVI of the Public Health Service Act, $9,377,000 is available to the Secretary of Health and Human Services through September 30, 2010, and shall be made available to qualifying jurisdictions within 45 days of enactment, for increasing supplemental grants for fiscal year 2008 to metropolitan areas that received grant funding in fiscal year 2007 under subpart I of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart I of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 91.6 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2007 under subpart II of part A of title XXVI of the Public Health Service Act to ensure that an area's total funding under subpart II of part A for fiscal year 2007, together with the amount of this additional funding, is not less than 86.6 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That, notwithstanding section 2603(c)(1) of the Public Health Service Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2007, shall be available to the area for obligation from the date of the award through the end of the grant year for

the award: *Provided further*, That $822,570,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $103,666,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: *Provided further*, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of this Act and associated administrative expenses: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, not less than $5,000,000 shall be for general dentistry programs, not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: *Provided further*, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $6,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,288,289,000, of which $147,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $568,803,000 shall remain available until expended for the Strategic National Stockpile; of which $52,500,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which $121,541,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $116,550,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $44,523,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $97,404,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such transfer: *Provided further*, That not to exceed $19,414,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further*, That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $30,000,000 shall be for States eligible under section 2625 of the Public Health Service Act as of December 31, 2007 and shall be distributed by March 31, 2008 based on standard criteria relating to a State's epidemiological profile, and of which not more than $1,000,000 may be made available to any one State, and any amounts that have not been obligated by March 31, 2008 shall be used to make grants authorized by other provisions of the Public Health Service Act to States and local public health departments for HIV prevention activities.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,925,740,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,001,691,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $399,867,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,753,037,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,578,210,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,682,585,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: *Provided further*, That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,984,879,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,286,379,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $684,126,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $658,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,076,389,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect

to arthritis and musculoskeletal and skin diseases, $521,459,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $403,958,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,900,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $447,245,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,025,839,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,440,557,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $498,748,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $305,884,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,182,015,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,647,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $204,542,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $68,216,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $329,039,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the Public Health Service Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 215 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That no more than $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That $110,900,000 shall be available for continuation of the National Children's Study: *Provided further*, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the National Institutes of Health: *Provided further*, That the Office of AIDS Research within the Office of the Director of the National Institutes of Health may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $130,000,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,290,848,000, of which $19,644,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $19,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the Public Health Service Act shall not exceed $334,564,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,276,502,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $193,000,000, to remain available

until September 30, 2009, is for CMS Medicare contracting reform activities: *Provided further,* That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further,* That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further,* That $5,140,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $249,620,000 is for the Centers for Medicare and Medicaid Services for carrying out program integrity activities with respect to title XVIII of such Act, including activities authorized under the Medicare Integrity Program under section 1893 of such Act; of which $35,000,000 is for the Centers for Medicare and Medicaid Services for carrying out Medicaid IPIA Compliance with respect to titles XIX and XXI of such Act; and of which, for carrying out fraud and abuse control activities authorized by section 1817(k)(3) of such Act, $36,690,000 is for the Department of Justice; $36,690,000 is for the Department of Health and Human Services Office of the Inspector General; and $25,000,000 is for the Department of Health and Human Services: *Provided,* That the report required by section 1817(k)(5) of such Act for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs of the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided,* That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. chapter 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)–(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.

For making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $431,585,000, notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $652,394,000, of which up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided,* That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,094,581,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided,* That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be for the Child Care Aware toll-free hotline: *Provided further,* That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further,* That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

In addition, $5,000,000, to remain available until September 30, 2009, shall be for carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided,* That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Lifespan Respite Care Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. chapter 9), the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,220,695,000, of which $4,400,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: *Provided,* That $7,042,196,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further,* That $706,125,000 shall be for making payments under the Community Services Block Grant Act: *Provided further,* That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further,* That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further,* That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further,* That $18,820,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,920,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,900,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further,* That $136,664,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further,* That

grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 and section 398 of the Public Health Service Act, $1,446,651,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the Lifespan Respite Care Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $387,070,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee; and $5,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt, professional manner and within the time frame specified in the request: *Provided further*, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $67,500,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $27,651,000: *Provided*, That in addition to amounts provided herein, $38,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $45,187,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $741,586,000, of which not to exceed $22,363,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act, and of which $149,250,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $763,923,000, of which $685,832,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2008:

(1) The Secretary of Health and Human Services (in this section referred to as the ''Secretary of HHS'') may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of HHS shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

(2) The Secretary of HHS is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of HHS to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of HHS is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (in this section referred to as the ''Director of NIH'') may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(b)(7), 282(b)(12)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the NIH may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241(a)(3), 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 216. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention (''CDC'') and the Agency for Toxic Substances and Disease Registry (''ATSDR)'' may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 217. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 219. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.

(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.

SEC. 220. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

SEC. 221. (a) PROHIBITION.—With respect to the 2010–2011 influenza season, the Secretary of Health and Human Services (the Secretary) shall not use or make available any funds for the administration of any influenza vaccine containing thimerosal as a preservative (thimerosal-free) to any child under 3 years of age, unless the Secretary:

(1) finds that there is inadequate supply of thimerosal-free influenza vaccine for the covered population and for the respective influenza season; or

(2) finds that an actual or potential public health situation justifies the use of other influenza vaccine for children under 3 years of age; and

(3) gives written notice of such findings (and an explanation of the basis for the findings) to the Congress and of actions the Secretary is taking to ensure adequate supply of pediatric thimerosal-free influenza vaccine for the following influenza season.

(b) REPORT TO CONGRESS.—To improve public confidence in the safety of vaccines, the Secretary shall submit to the Congress a plan no later than April 1, 2008—

(1) to work proactively with manufacturers of influenza vaccine to facilitate the approval of thimerosal-free influenza vaccine for administration to children under 3 years of age;

(2) to increase the Federal Government's purchases of thimerosal-free influenza vaccine; and

(3) to take any other actions determined appropriate by the Secretary to increase the supply of thimerosal-free influenza vaccine.

(TRANSFER OF FUNDS)

SEC. 222. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 223. None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating pastel lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

SEC. 224. There is hereby established in the Treasury of the United States a fund to be known as the ''Nonrecurring expenses fund'' (the Fund): *Provided*, That unobligated balances of expired discretionary funds appropriated for this or any succeeding fiscal year from the General Fund of the Treasury to the Department of Health and Human Services by this or any other Act may be transferred (not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated) into the Fund: *Provided further*, That amounts deposited in the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, for capital acquisition necessary for the operation of the Department, including facilities infrastructure and information technology infrastructure, subject to approval by the Office of Management and Budget: *Provided further*, That amounts in the Fund may be obligated only after the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of the planned use of funds.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2008''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $15,930,691,000, of which $7,611,423,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,136,218,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $6,808,971,000 shall be for basic grants under section 1124: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A: *Provided further*, That $3,068,680,000 shall be for targeted grants under section 1125: *Provided further*, That $3,068,680,000 shall be for education finance incentive grants under section 1125A: *Provided further*, That $9,330,000 shall be to carry out sections 1501 and 1503: *Provided further*, That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,262,778,000, of which $1,126,192,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,411,758,000, of which $3,790,731,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That $58,129,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $34,376,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*,

That $3,000,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $124,000,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), $1,010,084,000: *Provided*, That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That $361,917,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That $103,293,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to $24,783,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $190,000,000 to carry out other activities authorized under subpart 1.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $708,835,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided*, That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,519,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,500,000, to remain available until expended, shall be for the Project School Emergency Response to Violence (''Project SERV'') program to provide education-related services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That Project SERV funds appropriated in previous fiscal years may be used to provide services to local educational agencies and to institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That $152,998,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,072,000 may be used to carry out section 2345 and $3,025,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $722,717,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $12,357,999,000, of which $5,461,394,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $6,654,982,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided*, That $13,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: *Provided further*, That $8,000,000 shall be available to support the 2009 Special Olympics World Winter Games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (''the AT Act''), and the Helen Keller National Center Act, $3,285,985,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: *Provided*, That $3,242,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $22,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $60,757,000, of which $1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $115,400,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA'') and title VIII–D of the Higher Education Amendments of 1998, $2,013,329,000, of which $1,218,252,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amount provided for Adult Education State Grants, $69,759,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $81,532,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2007, and shall remain available through September 30, 2009, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2008, and remain available through September 30, 2009, for grants to local educational agencies: *Provided further*, That funds made available to local educational

agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING RESCISSION)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $16,379,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,435.

Of the unobligated funds available under section 401A(e)(1)(C) of the Higher Education Act of 1965, $525,000,000 are rescinded.

For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965, $525,000,000, which shall remain available through September 30, 2009.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $708,216,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,095,608,000: *Provided*, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $620,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: *Provided further*, That $104,399,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University, $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $481,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the Higher Education Act of 1965, $188,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $561,315,000, of which $293,155,000 shall be available until September 30, 2009.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $420,698,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $53,239,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) MAINTENANCE OF INTEGRITY AND ETHICAL VALUES WITHIN DEPARTMENT OF EDUCATION.—Within 30 days after the enactment of this Act, the Secretary of Education shall implement procedures—

(1) to assess whether a covered individual or entity has a potential financial interest in, or bias towards, a product or service purchased with, or guaranteed or insured by, funds administered by the Department of Education or a contracted entity of the Department; and

(2) to disclose the existence of any such potential financial interest or bias.

(b) REVIEW BY INSPECTOR GENERAL.—

(1) Within 30 days after the implementation of the procedures described in subsection (a), the Inspector General of the Department of Education shall report to the Committees on Appropriations of the House of Representatives and the Senate on the adequacy of such procedures.

(2) Within 1 year, the Inspector General shall conduct at least 1 audit to ensure that such procedures are properly implemented and are adequate to uncover and disclose the existence of potential financial interests or bias described in subsection (a).

(3) The Inspector General shall report to such Committees any recommendations for modifications to such procedures that the Inspector General determines are necessary to uncover and disclose the existence of such potential financial interests or bias.

(c) DEFINITION.—For purposes of this section, the term ''covered individual or entity'' means—

(1) an officer or professional employee of the Department of Education;

(2) a contractor or subcontractor of the Department, or an individual hired by the contracted entity;

(3) a member of a peer review panel of the Department; or

(4) a consultant or advisor to the Department.

SEC. 307. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965, North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community

Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

SEC. 308. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 that existed on October 1, 2007. With respect to an entity with which the Secretary of Education had a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 on October 1, 2007 that is not cost neutral, if the Secretary terminates such agreement on or after January 1, 2008, the Secretary of Education shall, not later than March 31, 2008, negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.

SEC. 309. Notwithstanding section 102(a)(4)(A) of the Higher Education Act of 1965, the Secretary of Education shall not take into account a bankruptcy petition filed in the United States Bankruptcy Court for the Northern District of New York on February 21, 2001, in determining whether a nonprofit educational institution that is a subsidiary of an entity that filed such petition meets the definition of an ''institution of higher education'' under section 102 of that Act.

This title may be cited as the ''Department of Education Appropriations Act, 2008''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $798,065,000, of which $313,054,000 is to carry out the 1973 Act and $485,011,000 is to carry out the 1990 Act: *Provided*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) not less than $126,121,000, to remain available until expended, to be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act: *Provided further*, That in addition to these funds, the Corporation may transfer funds from the amount provided for AmeriCorps grants under the National Service Trust Program, to the National Service Trust authorized under subtitle D of title I of the 1990 Act, upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Congress; (2) not more than $55,000,000 of funding provided for grants under the National Service Trust program authorized under subtitle C of title I of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of such Act; (3) $12,000,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act; and (4) not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi to carry out subtitle G of title I of the 1990 Act.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,964,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,900,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

SEC. 403. The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violation of the requirements of the AmeriCorps programs.

SEC. 404. The Corporation for National and Community Service shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2008, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 405. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for a waiver of application of section 140(c)(2).

SEC. 406. Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 407. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 408. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with

the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, the Continuing Appropriations Resolution, 2007 (Public Law 110–5), or the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109–149), shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454, $44,450,000, including $650,000 to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $8,096,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $277,131,000: *Provided*, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,113,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $256,988,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,992,000, of which $750,000 shall be for arbitrator salaries and expenses pursuant to section 153(1).

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $10,696,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $7,803,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $27,014,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,522,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this

information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000, for additional continuing disability reviews and redeterminations of eligibility.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and expenses''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act (21 U.S.C. 812) except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2008 that are different than those specified in this Act, the accompanying detailed table in the committee report, or the fiscal year 2008 budget request.

SEC. 519. None of the funds made available by this Act may be used to carry out the evaluation of the Upward Bound program described in the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

SEC. 520. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

SEC. 521. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 522. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 524. Section 1848(l)(2)(A) of the Social Security Act, as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking ''$1,350,000,000'' and inserting ''$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000'' in the first sentence.

SEC. 525. Iraqi and Afghan aliens granted special immigrant status under section 101(a)(27) of the Immigration and Nationality Act shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act for a period not to exceed 6 months.

SEC. 526. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 527. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008''.

SA 3558. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1192, strike line 13 and insert the following:

''SEC. 9023. SUGAR ETHANOL LOAN GUARANTEE PROGRAM.

''(a) IN GENERAL.—The Secretary shall guarantee the timely payment of 100 percent of the principal and interest due on loans made to finance each of 2 projects under this section to demonstrate the feasibility and viability of the commercial production of ethanol derived from sugarcane, sugarcane bagasse, and other sugarcane byproducts as feed stocks.

''(b) REQUIREMENT.—To receive a loan guarantee under this section, an applicant shall provide to the Secretary assurances satisfactory to the Secretary that—

''(1) the project design has been validated through the operation of a continuous production facility;

''(2) the project has been subject to a full technical review;

''(3) the project, with the loan guarantee, will be economically viable;

''(4) the project includes an operating cane mill the production of which, as of the date of the enactment of this Act, is subject to allotment under section 359c(e)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc(e)(2)); and

''(5) there is reasonable assurance of repayment of the loan.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a loan guarantee under this section—

''(A) may be issued for up to 80 percent of the estimated cost of the project; but

''(B) shall not exceed $100,000,000 for any 1 project.

''(2) ADDITIONAL GUARANTEES.—The Secretary may issue an additional loan guarantee under this section to cover the lesser of—

''(A) 80 percent of the excess of the actual project cost over the estimated project cost; or

''(B) 10 percent of the amount guaranteed under paragraph (1).

''(3) MAXIMUM TERM OF LOAN GUARANTEE.—The Secretary shall determine the maximum term of a loan guarantee provided under this section.

''(d) GRANTS.—To carry out this section, not later than 5 years after the date of enactment of this Act, the Secretary shall make 2 grants, each of which shall be in the amount of $10,000,000, for 2 demonstration projects, consistent with the requirements of subsection (b)(4).

''(e) ADMINISTRATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

''SEC. 9024. FUTURE FARMSTEADS PROGRAM.

SA 3559. Mr. INOUYE (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, strike lines 6 and 7 and insert the following:

''(3) EXCEPTION.—Paragraph (1) does not apply to a payment described in paragraph (2)(B) if the payment is made to an individual or entity in connection with any farming, ranching, or forestry operation carried out in the State of Hawaii.

''(4) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY OPERATIONS.—In determining

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SA 3560. Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 778, between lines 2 and 3, insert the following:

SEC. 60___. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) IN GENERAL.—The Consolidated Farm and Rural Development Act is amended by inserting after section 344 (7 U.S.C. 1992) the following:

''SEC. 345. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

''(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term 'geographically disadvantaged farmer or rancher' has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107–171).

''(b) AUTHORIZATION.—

''(1) IN GENERAL.—Subject to paragraph (2) and the availability of funds under subsection (d), for each fiscal year, the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

''(2) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000,000 for each fiscal year.

''(c) TRANSPORTATION.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

''(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), farmer or rancher shall provide to the Secretary proof (as determined by the Secretary) that transportation or the agricultural commodity or inputs occurred over a distance of more than 30 miles.

''(3) AMOUNT.—The amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under a subsection for a fiscal year shall equal the product obtained by multiplying—

''(A) the amount of costs incurred by the farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

''(B) the percentage of the allowance for that fiscal year made under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2007.

SA 3561. Ms. MURKOWSKI (for herself, Mr. STEVENS, Ms. CANTWELL, Mr. SMITH, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. TAX TREATMENT OF INCOME RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed $250,000.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract, and

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are —

(1) includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post judgment and whether related to a settlement or judgment).

SA 3562. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1115, strike line 8 and insert the following:

improvements and renewable energy systems (including small hydroelectric systems, as determined by the Secretary); and

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SA 3563. Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2359 and insert the following:

SEC. 2359. GROUND AND SURFACE WATER CONSERVATION.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended by striking subsection (c) and inserting the following:

''(c) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—Of the funds of the Commodity Credit Corporation, in addition to amounts made available under section 1241(a) to carry out this chapter, the Secretary shall use $60,000,000 for each of fiscal years 2008 through 2012.

''(2) FUNDING FOR CERTAIN STATES.—Of the funds made available under paragraph (1), the Secretary shall provide to each State the boundaries of which encompass a multistate aquifer from which documented groundwater withdrawals exceed 16,000,000,000 gallons per day, for water conservation or irrigation practices, an amount equal to not less than the greater of—

''(A) $3,000,000; or

''(B) the simple average of amounts allocated to producers in the State under this section for the period of fiscal years 2002 through 2007.''.

SA 3564. Mr. BINGAMAN (for himself, Mr. ALLARD, Mr. DOMENICI, Mr. SALAZAR, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 462, line 2, strike ''may'' and insert ''shall''.

On page 474, strike lines 9 through 25 and insert the following:

''(7) FUNDING.—

''(A) SET ASIDE.—

''(i) IN GENERAL.—Of the funds provided for each of fiscal years 2008 through 2012 to carry out the conservation programs in subtitle D (excluding the conservation reserve program, the conservation stewardship program, and the wetlands reserve program), the Secretary shall reserve 10 percent for use for activities under this section.

''(ii) CONSERVATION STEWARDSHIP PROGRAM.—Of the acres allocated for the conservation stewardship program for each of fiscal years 2008 through 2012, the Secretary shall reserve 10 percent for use for activities under this section.

''(B) UNUSED FUNDS.—Any funds reserved for a fiscal year under subparagraph (A) that are not obligated by April 1 of that fiscal year may be used to carry out any other activity under a conservation program under subtitle D during the remainder of that fiscal year.

''(C) OVERHEAD AND ADMINISTRATIVE COSTS INELIGIBLE.—No overhead or administrative cost of a partner shall be covered by funds provided pursuant to this paragraph.

''(D) EASTERN SNAKE PLAIN AQUIFER PILOT PROJECT.—

''(i) IN GENERAL.—Notwithstanding subparagraph (B), of amounts available under subparagraph (A), the Secretary shall reserve not less than $2,000,000, to remain available until expended, for regional water conservation activities in the Eastern Snake Aquifer region.

''(ii) APPROVAL.—The Secretary may approve regional water conservation activities under this subparagraph that address, in whole or in part, water quality issues.''.

SA 3565. Mr. DURBIN (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 680, to ensure proper oversight and accountability in Federal contracting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Accountability in Government Contracting Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—ACQUISITION WORKFORCE

Sec. 101. Federal acquisition workforce.

TITLE II—COMPETITION AND ACCOUNTABILITY

Sec. 201. Requirement for purchase of property and services pursuant to multiple award contracts.
Sec. 202. Statement of work requirements for certain task or delivery orders.
Sec. 203. Protests of task and delivery orders.
Sec. 204. Publication of justification and approval documents.
Sec. 205. Limitation on length of certain noncompetitive contracts.
Sec. 206. Prohibition on award of certain large task or delivery order contracts for services.
Sec. 207. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.
Sec. 208. Guidance on use of cost-reimbursement contracts.
Sec. 209. Preventing conflicts of interest.
Sec. 210. Linking of award and incentive fees to acquisition outcomes.

TITLE III—ACCOUNTABILITY AND ADMINISTRATION

Sec. 301. Definitizing of letter contracts.
Sec. 302. Preventing abuse of interagency contracts and assisted acquisition services.
Sec. 303. Purchase card waste elimination.
Sec. 304. Lead systems integrators.
Sec. 305. Limitations on tiering of subcontractors.
Sec. 306. Responsibility of contractors that are serious threats to national security.
Sec. 307. Required certification of program managers for Department of Homeland Security level one programs.
Sec. 308. Elimination of one-year limitation on interest due on late payments to contractors.
Sec. 309. Ensuring that Federal employees perform inherently governmental work.
Sec. 310. Report on Acquisition Advisory Panel report implementation.
Sec. 311. Report by the Government Accountability Office.
Sec. 312. Mapping and surveying services.
Sec. 313. Timely and accurate transmission of information included in Federal Procurement Data System.
Sec. 314. Use of existing funds for regulations and reports.

SEC. 3. DEFINITIONS.

In this Act:

(1) Except as otherwise provided, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''assisted acquisition'' means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act''), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104–106), and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410).

(3) The term ''micro-purchase'' means a purchase in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(4) The term ''multi-agency contract'' means any contract available for use by more than 1 executive agency.

TITLE I—ACQUISITION WORKFORCE

SEC. 101. FEDERAL ACQUISITION WORKFORCE.

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following new subsection:

''(l) The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Workforce Programs. The Associate Administrator for Workforce Programs shall be located in the Federal Acquisition Institute, or its successor. The Associate Administrator shall be responsible for—

''(1) supervising the acquisition workforce training fund established under section 37(h)(3);

''(2) administering the government-wide acquisition intern program established under section 43;

''(3) developing, in coordination with Chief Acquisition Officers and Chief Human Capital Officers, a human capital strategic plan for the acquisition workforce of the Federal Government;

''(4) reviewing and providing input to individual agency acquisition workforce succession plans;

''(5) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

''(6) carrying out such other functions as the Administrator may assign.''.

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a government-wide Acquisition Intern Program to strengthen the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

''(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 6(l) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give strong consideration to utilizing existing similar programs and seek to build upon those programs instead of replacing them or creating new programs.

''(c) TERMS OF ACQUISITION INTERN PROGRAM.—

''(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

''(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

''(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

''(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

''(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

''(4) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer of each executive agency, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.''.

(c) CONTINGENCY CONTRACTING CORPS.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

''SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and manmade, and contingency operations both within and outside the continental United States.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

''(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

''(d) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and may pay for this clothing and equipment from funds available in the acquisition workforce training fund.

''(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

''(g) ANNUAL REPORT.—

''(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(d) ACQUISITION AND CONTRACTING TRAINING PROGRAMS.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—

(1) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(2) be developed and applied according to rigorous standards; and

(3) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively impacting academic standards.

(e) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (d) by executive agencies.

(f) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of subsection (d). The Chief Acquisition Officer shall ensure that the policies of the agency head established in accordance with such subsection are implemented throughout the agency.

(g) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (d).

(h) ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency's strategic human capital plan for the recruitment, development, and retention of the agency's acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) CONTENT OF PLAN.—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency's acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(i) AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION PROGRAMS.—

(1) AUTHORIZATION.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2008 and 2009 for the acquisition workforce training fund.

(2) USE OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be used for—

(A) the establishment salary of the Associate Administrator for Acquisition Workforce Training Programs;

(B) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps;

(C) the costs of administering the acquisition workforce training fund, not to exceed 10 percent of the total funds available in the Fund; and

(D) the equipping, education, and training of participants in the Acquisition Intern Program, personnel recruited from the Presidential Management Fellowship Program, personnel recruited from the Federal Career Intern Program, and Contingency Contracting Corps Program.

(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(j) ELIMINATION OF SUNSET PROVISION FOR ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(k) TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(l) EXTENSION OF DIRECT HIRING AUTHORITY.—Section 1413(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

(m) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414)

is amended by adding at the end the following new paragraph:

''(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.''.

(n) UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

TITLE II—COMPETITION AND ACCOUNTABILITY

SEC. 201. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations requiring competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2)(A), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—The Administrator for Federal Procurement Policy shall promulgate regulations in the Federal Acquisition Regulation requiring the head of each executive agency—

(1) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) that are placed against multiple award contracts or multiple award blanket purchase agreements not later than 10 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) to publish on the Internet website of the executive agency and on FedBizOpps the justification and approval documents related to sole source task or delivery orders placed against multiple award contracts or multiple award blanket purchase agreements not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(d) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations promulgated by the Administrator for Federal Procurement Policy pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

SEC. 202. STATEMENT OF WORK REQUIREMENTS FOR CERTAIN TASK OR DELIVERY ORDERS.

(a) CIVILIAN CONTRACTS.—Section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) is amended to read as follows:

''(c) STATEMENT OF WORK AND SELECTION BASIS.—

''(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

''(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

''(A) include a clear statement of the executive agency's requirements;

''(B) permit a reasonable response period;

''(C) disclose the significant factors and sub-factors that the executive agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

''(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

''(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 303B(e).''.

(b) DEFENSE CONTRACTS.—Section 2304c(c) of title 10, United States Code, is amended to read as follows:

''(c) STATEMENT OF WORK AND SELECTION BASIS.—

''(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

''(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

''(A) include a clear statement of the agency's requirements;

''(B) permit a reasonable response period;

''(C) disclose the significant factors and sub-factors that the agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

''(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

''(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.''.

SEC. 203. PROTESTS OF TASK AND DELIVERY ORDERS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:

''(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

''(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

''(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.''.

(b) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code is amended to read as follows:

''(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

''(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

''(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.''.

(c) ESTABLISHMENT OF THRESHOLD.—The Administrator for Federal Procurement Policy shall promulgate a rule in the Federal Acquisition Regulation establishing a threshold for protests under section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) and

section 2304c(d) of title 10, United States Code, as amended by subsections (a) and (b), respectively. The threshold shall be $5,000,000 unless the Administrator determines that the threshold is unduly burdensome on executive agencies, in which case the Administrator may increase the threshold, but in no case shall the threshold exceed $25,000,000. The threshold shall be $5,000,000 until a final rule is promulgated in accordance with such determination.

SEC. 204. PUBLICATION OF JUSTIFICATION AND APPROVAL DOCUMENTS.

(a) CIVILIAN CONTRACTS.—Section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) is amended—

(1) in subparagraph (B)(iii), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.''.

(b) DEFENSE CONTRACTS.—Section 2304(f) of title 10, United States Code, is amended—

(1) in subparagraph (B)(iii), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.''.

SEC. 205. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).''.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).''.

SEC. 206. PROHIBITION ON AWARD OF CERTAIN LARGE TASK OR DELIVERY ORDER CONTRACTS FOR SERVICES.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the executive agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the executive agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

''(C) The head of the executive agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.''.

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

''(C) The head of the agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.''.

SEC. 207. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) GUIDANCE REQUIRED.—The Administrator for Federal Procurement Policy shall prescribe guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts. In prescribing such guidance, the Administrator shall give full consideration to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2305).

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

SEC. 208. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

SEC. 209. PREVENTING CONFLICTS OF INTEREST.

(a) ORGANIZATIONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing and mitigating organizational conflicts of interest in Federal contracting, including—

(1) considering development of a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) addressing conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensuring that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process;

(4) ensuring that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity; and

(5) maintaining a repository of best practices relating to the prevention of organizational conflicts of interest.

(b) PERSONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing personal conflicts of interest by contractor employees in Federal contracting, including—

(1) determining whether greater disclosure, specific prohibitions, or reliance on specified principles will accomplish the end objective of ethical behavior;

(2) identifying types of contracts that raise heightened concerns for potential conflicts of interest;

(3) considering the development of a standard ethics clause or a set of standard ethics clauses that set forth the contractor's responsibility for inclusion in solicitations and contracts; and

(4) maintaining a repository of best practices relating to the prevention of personal conflicts of interest.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on actions taken under this section.

SEC. 210. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue guidance, with detailed implementation instructions (including definitions), for executive agencies on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be ''excellent'' or ''superior''and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ''acceptable'', ''average'', ''expected'', ''good'', or ''satisfactory'';

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

TITLE III—ACCOUNTABILITY AND ADMINISTRATION

SEC. 301. DEFINITIZING OF LETTER CONTRACTS.

(a) CIVILIAN CONTRACTS.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

''SEC. 318. DEFINITIZING OF LETTER CONTRACTS.

''The head of an executive agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before 40 percent of the work under such letter contract has been completed. Any terms so determined shall be subject to the contract disputes process.''.

(b) DEFENSE CONTRACTS.—

(1) DEFINITIZING OF LETTER CONTRACTS.—Chapter 137 of title 10, United States Code, is amended by inserting after at the end the following new section:

''§ 2334. Definitizing of letter contracts

''The head of an agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before the funds obligated under such letter contract exceed 50 percent of the not-to-exceed cost of the contract. Any terms so determined shall be subject to the contract disputes process.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2334. Definitizing of letter contracts.''.

SEC. 302. PREVENTING ABUSE OF INTERAGENCY CONTRACTS AND ASSISTED ACQUISITION SERVICES.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an assisted acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) REPORT ON INTERAGENCY CONTRACTING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall report on a survey of existing interagency contracts.

(2) CONTENT.—The report under paragraph (1) shall include the following information:

(A) The number of interagency contracts that are currently in operation, and the scope, sponsoring agencies, primary users, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(B) The level of acquisition activity conducted by the Intergovernmental Revolving Funds (including the Franchise Funds) on behalf of other executive agencies.

(C) The number of enterprisewide, single agency contracts that are currently in operation, and the scope, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make the report under this subsection publicly available, subject to applicable statutory and regulatory limits on the release of such information.

(e) REVIEW OF FEDERAL SUPPLY SCHEDULE CONTRACTS.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services shall review existing Federal Supply Schedule (FSS) contracts to determine whether, in light of the entire inventory of interagency contracts, any of the FSS contracts should be eliminated in order to avoid unnecessary duplication.

(f) REVIEW AND AUTHORIZATION OF MULTI-AGENCY CONTRACTS.—

(1) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall publish in the Federal Acquisition Regulation, regulations requiring that the acquisition plan in support of multi-agency contracts shall include a business case analysis justifying the award and administration of the contract. At a minimum, the business case shall include the fully burdened cost to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its buying power.

(2) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall review all multi-agency contracts and determine whether each contract is cost effective or redundant with existing contracts available for multi-agency use.

(3) APPROVAL REQUIRED.—No executive agency may exercise an option on an existing multi-agency contract or award a new multi-agency contract without the express written approval of the Administrator for Federal Procurement Policy.

(4) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the Administrator shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In the event that the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining agency performance of a function identified in OMB Circular A–76.

(g) REVIEW OF OTHER INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.—

(1) REVIEW.—Not later than 270 days after the date of the enactment of this Act, the

head of each executive agency, in consultation with the Administrator for Federal Procurement Policy, shall review all indefinite delivery, indefinite quantity contracts awarded by the executive agency and determine whether those contracts are cost effective or redundant with other contracts within the agency or available for the agency's use.

(2) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the head of the executive agency shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In cases where the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining Agency performance of a function identified in Office of Management and Budget Circular A–76.

(h) IMPROVED TRANSPARENCY OF INTERAGENCY CONTRACTING DATA.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the government-wide procurement system known as the Federal Procurement Data System-Next Generation in order to facilitate the collecting and publication of complete and reliable order-level data on interagency contracting transactions.

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' includes the Department of Defense, but does not include the military departments and defense agencies.

SEC. 303. PURCHASE CARD WASTE ELIMINATION.

(a) REQUIREMENT FOR GUIDANCE.—

(1) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases. The Director shall include guidelines on the following matters:

(A) Analysis of purchase card expenditures to identify opportunities for achieving savings through micro-purchases made in economical volumes.

(B) Negotiation of discount agreements with major vendors accepting the purchase card.

(C) Establishment of communication programs to ensure that purchase cardholders receive information pertaining to the availability of discounts, including programs for the training of purchase cardholders on the availability of discounts.

(D) Assessment of cardholder purchasing practices, including use of discount agreements.

(E) Collection and dissemination of best practices and successful strategies for achieving savings in micro-purchases.

(F) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurement set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—

(A) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(B) actively pursue point-of-sale discounts with major vendors accepting the purchase card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(3) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under paragraph (1).

(4) CONGRESSIONAL OVERSIGHT.—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing 3 years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing for the fiscal year ending in the year in which such report is due the progress made—

(A) in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases; and

(B) in achieving savings in micro-purchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in paragraph (1) and the total savings achieved Governmentwide.

(b) PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.—The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

(c) REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.—

(1) ANNUAL REPORTS REQUIRED.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(2) CONTENT.—The reports submitted pursuant to paragraph (1) shall include, at a minimum, with respect to each travel by first class or business class—

(A) the names of each traveler;

(B) the date of travel;

(C) the points of origination and destination;

(D) the cost of the first class or business class travel; and

(E) the cost difference between such travel and travel by coach class.

SEC. 304. LEAD SYSTEMS INTEGRATORS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop a government-wide definition of lead systems integrators and complete a study on the use of such integrators by executive agencies.

(b) GUIDANCE.—Not later than 180 days after the study under subsection (a) is completed, the Administrator for Federal Procurement Policy shall issue guidance on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

SEC. 305. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) REGULATIONS.—The Administrator for Federal Procurement Policy shall promulgate regulations applicable to contracts described in subsection (b) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors in cases where a subcontractor does not perform work in proportion to any overhead or profit that the subcontractor receives under the contract.

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

SEC. 306. RESPONSIBILITY OF CONTRACTORS THAT ARE SERIOUS THREATS TO NATIONAL SECURITY.

(a) RESPONSIBILITY OF CONTRACTOR.—The contracting officer for an executive agency may consider whether a contractor may pose a serious threat to national security in assessing whether a contractor is responsible enough to be awarded a Federal contract.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall provide guidance to executive agencies on implementation of this section.

SEC. 307. REQUIRED CERTIFICATION OF PROGRAM MANAGERS FOR DEPARTMENT OF HOMELAND SECURITY LEVEL ONE PROGRAMS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall assign to each program of the Department of Homeland Security with an estimated value of more than $100,000,000 at least one program manager certified by the Secretary as competent to administer programs of that size.

SEC. 308. ELIMINATION OF ONE-YEAR LIMITATION ON INTEREST DUE ON LATE PAYMENTS TO CONTRACTORS.

Section 3901(d)(3)(A) of title 31, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue after a claim for an interest penalty is filed in the manner described in paragraph (2).''.

SEC. 309. ENSURING THAT FEDERAL EMPLOYEES PERFORM INHERENTLY GOVERNMENTAL WORK.

The Administrator for Federal Procurement Policy shall—

(1) analyze the services for which agencies are contracting (other than through the process governed by Office of Management and Budget Circular A–76);

(2) establish government-wide guidelines to ensure that inherently governmental work is performed by Federal employees; and

(3) report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on actions taken under this section not later than 180 days after the date of the enactment of this Act.

SEC. 310. REPORT ON ACQUISITION ADVISORY PANEL REPORT IMPLEMENTATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a comprehensive report on implementation of the recommendations of the Acquisition Advisory Panel (in this section referred to as the ''Panel'') established under section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 405 note).

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the implementation of the recommendations of the Panel; and

(2) with respect to any recommendations of the Panel not implemented, a justification

and discussion of the reasons for not implementing such recommendations.

SEC. 311. REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REPORT.—In order to assess additional actions that should be taken to further improve the acquisition system, the Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, conduct reviews and submit one or more reports to Congress on Federal acquisition policy.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the 2 statutory standards governing the qualifications of the government's acquisition workforce and an assessment of the implementation of and practical impact of both standards and whether there should be a single standard for the acquisition workforce.

(2) A list and assessment of all Federal institutions providing acquisition and program management education and training and a recommendation on the advisability of continuing to offer education and training through multiple institutions or whether education and training should be combined at one government-wide institution.

(3) A review of agency compliance with Section 1412 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 433 note), including whether agencies have appointed Chief Acquisition Officers whose primary duties are acquisition management, and recommendations for the appointment of Chief Acquisition Officers government-wide.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall review the determinations made by executive agencies under section 303(g) regarding indefinite delivery, indefinite quantity contracts and shall submit to Congress a report on the implementation of requirements related to such determinations.

SEC. 312. MAPPING AND SURVEYING SERVICES.

The Administrator for Federal Procurement Policy shall amend the Federal Acquisition Regulation to provide guidance on contracting for mapping and surveying services in accordance with chapter 11 of title 40, United States Code, to ensure that these services are being procured through appropriate competitive procedures and that offers are evaluated using a qualifications-based selection process.

SEC. 313. TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.

Section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

''(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.''.

SEC. 314. USE OF EXISTING FUNDS FOR REGULATIONS AND REPORTS.

Provisions and amendments of this Act requiring the promulgation of regulations or the production of reports shall be carried out using existing funds.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, December 12, 2007, at 10 a.m., in order to hear testimony on the recently released GAO report regarding funding challenges and facilities maintenance at the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, November 7, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the subcommittee will discuss research and development efforts to safely and efficiently sequester carbon dioxide. Carbon dioxide capture and sequestration is a widely discussed solution to decreasing atmospheric concentrations of carbon dioxide.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Examining U.S. Government Enforcement of Intellectual Property Rights'' on Wednesday, November 7, 2007. The hearing will commence at 10 a.m. in room 226 of the Dirksen Senate Office Building.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a markup of S. 2300, the Small Business Contracting Revitalization Act of 2007. The meeting will commence on Wednesday, November 7, 2007, at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, November 7, 2007, in order to conduct an oversight hearing on performance and structure of the U.S. Court of Appeals for Veterans Claims. The Committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

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

NAMING OF THE OSCAR G. JOHNSON VETERANS MEDICAL FACILITY

Mr. DURBIN. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from the further consideration of H.R. 2602, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2602) to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''.

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

Mr. DURBIN. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid on the table; that any statements be printed in the RECORD.

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

The bill (H.R. 2602) was ordered to a third reading, was read the third time, and passed.

ACCOUNTABILITY IN GOVERNMENT CONTRACTING ACT OF 2007

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 420, S. 680.

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

The assistant legislative clerk read as follows:

A bill (S. 680) to ensure proper oversight and accountability in Federal contracting, and for other purposes.

Without objection, the Senate proceeded to consider the bill which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Accountability in Government Contracting Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—ACQUISITION WORKFORCE

Sec. 101. Federal acquisition workforce.

TITLE II—COMPETITION AND ACCOUNTABILITY

Sec. 201. Requirement for purchase of property and services pursuant to multiple award contracts.
Sec. 202. Statement of work requirements for certain task or delivery orders.
Sec. 203. Protests of task and delivery orders.
Sec. 204. Publication of justification and approval documents.
Sec. 205. Limitation on length of certain noncompetitive contracts.
Sec. 206. Prohibition on award of certain large task or delivery order contracts for services.
Sec. 207. Guidance on use of tiered evaluations of offers for contracts and task orders under contracts.

Sec. 208. Guidance on use of cost-reimbursement contracts.
Sec. 209. Preventing conflicts of interest.
Sec. 210. Linking of award and incentive fees to acquisition outcomes.

TITLE III—ACCOUNTABILITY AND ADMINISTRATION

Sec. 301. Recording of obligations on task order contracts.
Sec. 302. Definitizing of letter contracts.
Sec. 303. Preventing abuse of interagency contracts and assisted acquisition services.
Sec. 304. Purchase card waste elimination.
Sec. 305. Lead systems integrators.
Sec. 306. Limitations on tiering of subcontractors.
Sec. 307. Responsibility of contractors that are serious threats to national security.
Sec. 308. Required certification of program managers for Department of Homeland Security level one programs.
Sec. 309. Elimination of one-year limitation on interest due on late payments to contractors.
Sec. 310. Ensuring that Federal employees perform inherently governmental work.
Sec. 311. Report on Acquisition Advisory Panel report implementation.
Sec. 312. Report by the Government Accountability Office.
Sec. 313. Mapping and surveying services.
Sec. 314. Timely and accurate transmission of information included in Federal Procurement Data System.

SEC. 3. DEFINITIONS.

In this Act:

(1) Except as otherwise provided, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''assisted acquisition'' means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act''), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104–106), and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410).

(3) The term ''micro-purchase'' means a purchase in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(4) The term ''multi-agency contract'' means any contract available for use by more than 1 executive agency.

TITLE I—ACQUISITION WORKFORCE

SEC. 101. FEDERAL ACQUISITION WORKFORCE.

(a) ASSOCIATE ADMINISTRATOR FOR ACQUISITION WORKFORCE PROGRAMS.—Section 6 of the Office of Federal Procurement Policy Act (41 U.S.C. 405) is amended by adding at the end the following new subsection:

''(l) The Administrator shall designate a member of the Senior Executive Service as the Associate Administrator for Workforce Programs. The Associate Administrator for Workforce Programs shall be located in the Federal Acquisition Institute, or its successor. The Associate Administrator shall be responsible for—

''(1) supervising the acquisition workforce training fund established under section 37(h)(3);

''(2) administering the government-wide acquisition intern program established under section 43;

''(3) developing, in coordination with Chief Acquisition Officers and Chief Human Capital Officers, a human capital strategic plan for the acquisition workforce of the Federal Government;

''(4) reviewing and providing input to individual agency acquisition workforce succession plans;

''(5) recommending to the Administrator and other senior government officials appropriate programs, policies, and practices to increase the quantity and quality of the Federal acquisition workforce; and

''(6) carrying out such other functions as the Administrator may assign.''.

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 43. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a government-wide Acquisition Intern Program to strengthen the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

''(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 6(l) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give strong consideration to utilizing existing similar programs and seek to build upon those programs instead of replacing them or creating new programs.

''(c) TERMS OF ACQUISITION INTERN PROGRAM.—

''(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

''(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

''(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

''(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

''(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

''(4) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer of each executive agency, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.''.

(c) CONTINGENCY CONTRACTING CORPS.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

''SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

''(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

''(d) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and may pay for this clothing and equipment from funds available in the acquisition workforce training fund.

''(e) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

''(g) ANNUAL REPORT.—

''(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(d) ACQUISITION AND CONTRACTING TRAINING PROGRAMS.—The head of each executive agency, after consultation with the Associate Administrator for Acquisition Workforce Programs, shall establish and operate acquisition and contracting training programs. Such programs shall—

(1) have curricula covering a broad range of acquisition and contracting disciplines corresponding to the specific acquisition and contracting needs of the agency involved;

(2) be developed and applied according to rigorous standards; and

(3) be designed to maximize efficiency, through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing the effectiveness of the training or negatively impacting academic standards.

(e) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall evaluate the implementation of the provisions of subsection (d) by executive agencies.

(f) CHIEF ACQUISITION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an executive agency, the Chief Acquisition Officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of subsection (d). The Chief Acquisition Officer shall ensure that the policies of the agency head established in accordance with such subsection are implemented throughout the agency.

(g) ACQUISITION AND CONTRACTING TRAINING REPORTING.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition and contracting workforce related to the implementation of subsection (d).

(h) ACQUISITION WORKFORCE HUMAN CAPITAL SUCCESSION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each Chief Acquisition Officer for an executive agency appointed pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) shall develop, in consultation with the Chief Human Capital Officer for the agency and the Associate Administrator for Acquisition Workforce Programs, a succession plan consistent with the agency's strategic human capital plan for the recruitment, development, and retention of the agency's acquisition workforce, with a particular focus on warranted contracting officers and program managers of the agency.

(2) CONTENT OF PLAN.—The acquisition workforce succession plan shall address—

(A) recruitment goals for personnel from procurement intern programs;

(B) the agency's acquisition workforce training needs;

(C) actions to retain high performing acquisition professionals who possess critical relevant skills;

(D) recruitment goals for personnel from the Federal Career Intern Program; and

(E) recruitment goals for personnel from the Presidential Management Fellows Program.

(i) AUTHORIZATION OF APPROPRIATIONS FOR ACQUISITION PROGRAMS.—

(1) AUTHORIZATION.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2008 and 2009 for the acquisition workforce training fund.

(2) USE OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be used for—

(A) the establishment salary of the Associate Administrator for Acquisition Workforce Training Programs;

(B) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps;

(C) the costs of administering the acquisition workforce training fund, not to exceed 10 percent of the total funds available in the Fund; and

(D) the equipping, education, and training of participants in the Acquisition Intern Program, personnel recruited from the Presidential Management Fellowship Program, personnel recruited from the Federal Career Intern Program, and Contingency Contracting Corps Program.

(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

(j) ELIMINATION OF SUNSET PROVISION FOR ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended by striking subparagraph (H).

(k) TRAINING IN THE ACQUISITION OF ARCHITECT AND ENGINEERING SERVICES.—The Administrator for Federal Procurement Policy shall ensure that a sufficient number of Federal employees are trained in the acquisition of architect and engineering services.

(l) EXTENSION OF DIRECT HIRING AUTHORITY.—Section 1413(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

(m) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:

''(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.''.

(n) UTILIZATION OF RECRUITMENT AND RETENTION AUTHORITIES.—The Administrator for Federal Procurement Policy, in coordination with the Director of the Office of Personnel Management, shall encourage agencies to utilize existing authorities, including direct hire authority and tuition assistance programs, to recruit and retain acquisition personnel and consider recruiting acquisition personnel who may be retiring from the private sector, consistent with existing laws and regulations.

TITLE II—COMPETITION AND ACCOUNTABILITY

SEC. 201. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations requiring competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2)(A), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—The Administrator for Federal Procurement Policy shall promulgate regulations in the Federal Acquisition Regulation requiring the head of each executive agency—

(1) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) that are placed against multiple award contracts or multiple award blanket purchase agreements not later than 10 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) to publish on the Internet website of the executive agency and on FedBizOpps the justification and approval documents related to sole source task or delivery orders placed against multiple award contracts or multiple award blanket purchase agreements not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(d) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations promulgated by the Administrator for Federal Procurement Policy pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act and shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

SEC. 202. STATEMENT OF WORK REQUIREMENTS FOR CERTAIN TASK OR DELIVERY ORDERS.

(a) CIVILIAN CONTRACTS.—Section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) is amended to read as follows:

''(c) STATEMENT OF WORK AND SELECTION BASIS.—

''(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

''(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

''(A) include a clear statement of the executive agency's requirements;

''(B) permit a reasonable response period;

''(C) disclose the significant factors and subfactors that the executive agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

''(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

''(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 303B(e).''.

(b) DEFENSE CONTRACTS.—Section 2304c(c) of title 10, United States Code, is amended to read as follows:

''(c) STATEMENT OF WORK AND SELECTION BASIS.—

''(1) IN GENERAL.—A task or delivery order shall include a statement of work that clearly specifies all tasks to be performed or property to be delivered under the order.

''(2) TASK OR DELIVERY ORDERS IN EXCESS OF THE THRESHOLD FOR USE OF SIMPLIFIED PROCEDURES FOR COMMERCIAL ITEMS.—The statement

of work for a task or delivery order in excess of the threshold for use of simplified procedures for commercial items under a task or delivery order contract shall be made available to each contractor awarded such contract and shall—

''(A) include a clear statement of the agency's requirements;

''(B) permit a reasonable response period;

''(C) disclose the significant factors and subfactors that the agency expects to consider in evaluating proposals, including cost, price, past performance, and the relative importance of those and other factors;

''(D) in the case of an award that is to be made on a best value basis, include a written statement documenting the basis for the award and the relative importance of quality, past performance, and price or cost factors; and

''(E) provide an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.''.

SEC. 203. PROTESTS OF TASK AND DELIVERY ORDERS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) is amended to read as follows:

''(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

''(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

''(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.''.

(b) DEFENSE CONTRACTS.—Section 2304c(d) of title 10, United States Code is amended to read as follows:

''(d) PROTESTS.—A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

''(1) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

''(2) a protest by an interested party of an order valued at greater than the threshold established pursuant to section 203(c) of the Accountability in Government Contracting Act of 2007.''.

(c) ESTABLISHMENT OF THRESHOLD.—The Administrator for Federal Procurement Policy shall promulgate a rule in the Federal Acquisition Regulation establishing a threshold for protests under section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)) and section 2304c(d) of title 10, United States Code, as amended by subsections (a) and (b), respectively. The threshold shall be $5,000,000 unless the Administrator determines that the threshold is unduly burdensome on executive agencies, in which case the Administrator may increase the threshold, but in no case shall the threshold exceed $25,000,000. The threshold shall be $5,000,000 until a final rule is promulgated in accordance with such determination.

SEC. 204. PUBLICATION OF JUSTIFICATION AND APPROVAL DOCUMENTS.

(a) CIVILIAN CONTRACTS.—Section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)) is amended—

(1) in subparagraph (B)(iii), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.''.

(b) DEFENSE CONTRACTS.—Section 2304(f) of title 10, United States Code, is amended—

(1) in subparagraph (B)(iii), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) the justification and approval documents are made publicly available on the Internet website of the agency and FedBizOpps.''.

SEC. 205. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).''.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).''.

SEC. 206. PROHIBITION ON AWARD OF CERTAIN LARGE TASK OR DELIVERY ORDER CONTRACTS FOR SERVICES.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the executive agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the executive agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

''(C) The head of the executive agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.''.

(b) DEFENSE CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) No task or delivery order contract for services in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

''(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

''(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).

''(C) The head of the agency shall post the justification and approval documents related to a determination under subparagraph (A) on the Internet website of the agency and on the Federal Business Opportunities (FedBizOpps) Internet website.''.

SEC. 207. GUIDANCE ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) GUIDANCE REQUIRED.—The Administrator for Federal Procurement Policy shall prescribe guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts. In prescribing such guidance, the Administrator shall give full consideration to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2305).

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

SEC. 208. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

SEC. 209. PREVENTING CONFLICTS OF INTEREST.

(a) ORGANIZATIONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing and mitigating organizational conflicts of interest in Federal contracting, including—

(1) considering development of a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) addressing conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensuring that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process;

(4) ensuring that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity; and

(5) maintaining a repository of best practices relating to the prevention of organizational conflicts of interest.

(b) PERSONAL CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall create new, uniform, government-wide policies aimed at preventing personal conflicts of interest by contractor employees in Federal contracting, including—

(1) determining whether greater disclosure, specific prohibitions, or reliance on specified principles will accomplish the end objective of ethical behavior;

(2) identifying types of contracts that raise heightened concerns for potential conflicts of interest;

(3) considering the development of a standard ethics clause or a set of standard ethics clauses that set forth the contractor's responsibility for inclusion in solicitations and contracts; and

(4) maintaining a repository of best practices relating to the prevention of personal conflicts of interest.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on actions taken under this section.

SEC. 210. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue guidance, with detailed implementation instructions (including definitions), for executive agencies on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be ''excellent'' or ''superior''and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ''acceptable'', ''average'', ''expected'', ''good'', or ''satisfactory'';

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

TITLE III—ACCOUNTABILITY AND ADMINISTRATION

SEC. 301. RECORDING OF OBLIGATIONS ON TASK ORDER CONTRACTS.

(a) CIVILIAN CONTRACTS.—

(1) IN GENERAL.—Section 303H of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h) is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection:

''(f) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an executive agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.

''(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the executive agency for exceptional circumstances.

''(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.''.

(2) ADVISORY AND ASSISTANCE SERVICES.—Section 303I of such Act (41 U.S.C. 253i) is amended—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following new subsection:

''(h) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an executive agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.

''(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the executive agency for exceptional circumstances.

''(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.''.

(b) DEFENSE CONTRACTS.—

(1) IN GENERAL.—Section 2304a of title 10, United States Code, is amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following new subsection:

''(g) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.

''(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the agency for exceptional circumstances.

''(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.''.

(2) ADVISORY AND ASSISTANCE SERVICES.—Section 2304b of title 10, United States Code, is amended—

(A) by redesignating subsection (f) as subsections (g); and

(B) by inserting after subsection (e) the following new subsection:

''(f) AUTHORITY TO DEFER RECORDING OBLIGATIONS ON TASK OR DELIVERY ORDER CONTRACTS.—(1) Subject to paragraphs (2) and (3), the head of an agency may defer the recording of an obligation, including an obligation in the amount of the guaranteed minimum, under a contract awarded under this section until the issuance of a task or delivery order.

''(2) The amount of the guaranteed minimum under a contract must be obligated during the same fiscal year during which the contract is awarded unless waived by the head of the agency for exceptional circumstances.

''(3) The amount of the guaranteed minimum under a contract may be satisfied by multiple task or delivery orders, but the full value of each individual task or delivery order must be obligated when such order is issued.''.

SEC. 302. DEFINITIZING OF LETTER CONTRACTS.

(a) CIVILIAN CONTRACTS.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

''SEC. 318. DEFINITIZING OF LETTER CONTRACTS.

''The head of an executive agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before 40 percent of the work under such letter contract has been completed. Any terms so determined shall be subject to the contract disputes process.''.

(b) DEFENSE CONTRACTS.—

(1) DEFINITIZING OF LETTER CONTRACTS.—Chapter 137 of title 10, United States Code, is amended by inserting after at the end the following new section:

''§ 2334. Definitizing of letter contracts

''The head of an agency shall unilaterally determine all missing terms in an undefinitized letter contract that have not been agreed upon within 180 days after such letter contract has been entered into or before the funds obligated under such letter contract exceed 50 percent of the not-to-exceed cost of the contract. Any terms so determined shall be subject to the contract disputes process.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2334. Definitizing of letter contracts.''.

SEC. 303. PREVENTING ABUSE OF INTERAGENCY CONTRACTS AND ASSISTED ACQUISITION SERVICES.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this

Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an assisted acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) REPORT ON INTERAGENCY CONTRACTING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall report on a survey of existing interagency contracts.

(2) CONTENT.—The report under paragraph (1) shall include the following information:

(A) The number of interagency contracts that are currently in operation, and the scope, sponsoring agencies, primary users, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(B) The level of acquisition activity conducted by the Intergovernmental Revolving Funds (including the Franchise Funds) on behalf of other executive agencies.

(C) The number of enterprisewide, single agency contracts that are currently in operation, and the scope, activity levels (in terms of orders and value) for the most recent fiscal year, and rationales for such contracts.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make the report under this subsection publicly available, subject to applicable statutory and regulatory limits on the release of such information.

(e) REVIEW OF FEDERAL SUPPLY SCHEDULE CONTRACTS.—Not later than 270 days after the date of the enactment of this Act, the Administrator of General Services shall review existing Federal Supply Schedule (FSS) contracts to determine whether, in light of the entire inventory of interagency contracts, any of the FSS contracts should be eliminated in order to avoid unnecessary duplication.

(f) REVIEW AND AUTHORIZATION OF MULTI-AGENCY CONTRACTS.—

(1) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall publish in the Federal Acquisition Regulation, regulations requiring that the acquisition plan in support of multi-agency contracts shall include a business case analysis justifying the award and administration of the contract. At a minimum, the business case shall include the fully burdened cost to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its buying power.

(2) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall review all multi-agency contracts and determine whether each contract is cost effective or redundant with existing contracts available for multi-agency use.

(3) APPROVAL REQUIRED.—No executive agency may exercise an option on an existing multi-agency contract or award a new multi-agency contract without the express written approval of the Administrator for Federal Procurement Policy.

(4) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the Administrator shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In the event that the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining agency performance of a function identified in OMB Circular A–76.

(g) REVIEW OF OTHER INDEFINITE DELIVERY, INDEFINITE QUANTITY CONTRACTS.—

(1) REVIEW.—Not later than 270 days after the date of the enactment of this Act, the head of each executive agency, in consultation with the Administrator for Federal Procurement Policy, shall review all indefinite delivery, indefinite quantity contracts awarded by the executive agency and determine whether those contracts are cost effective or redundant with other contracts within the agency or available for the agency's use.

(2) EVALUATION OF COSTS.—In determining whether a contract is cost effective, the head of the executive agency shall evaluate the fully burdened costs associated with awarding and maintaining the contract. In cases where the fully burdened costs cannot be determined, the Administrator shall use the same formula for determining Agency performance of a function identified in Office of Management and Budget Circular A–76.

(h) IMPROVED TRANSPARENCY OF INTERAGENCY CONTRACTING DATA.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the government-wide procurement system known as the Federal Procurement Data System-Next Generation in order to facilitate the collecting and publication of complete and reliable order-level data on interagency contracting transactions.

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' includes the Department of Defense, but does not include the military departments and defense agencies.

SEC. 304. PURCHASE CARD WASTE ELIMINATION.

(a) REQUIREMENT FOR GUIDANCE.—

(1) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidelines to assist the heads of executive agencies in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases. The Director shall include guidelines on the following matters:

(A) Analysis of purchase card expenditures to identify opportunities for achieving savings through micro-purchases made in economical volumes.

(B) Negotiation of discount agreements with major vendors accepting the purchase card.

(C) Establishment of communication programs to ensure that purchase cardholders receive information pertaining to the availability of discounts, including programs for the training of purchase cardholders on the availability of discounts.

(D) Assessment of cardholder purchasing practices, including use of discount agreements.

(E) Collection and dissemination of best practices and successful strategies for achieving savings in micro-purchases.

(F) Analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in micro-purchases consistent with the national policy on small business participation in Federal procurement set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—

(A) continue efforts to improve reporting by financial institutions that issue the Governmentwide commercial purchase card so that the General Services Administration has the data needed to identify opportunities for achieving savings; and

(B) actively pursue point-of-sale discounts with major vendors accepting the purchase card so that any Federal Government purchaser using the purchase card can benefit from such point-of-sale discounts.

(3) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director periodic reports on the actions taken in such executive agency pursuant to the guidelines issued under paragraph (1).

(4) CONGRESSIONAL OVERSIGHT.—Not later than December 31 of the year following the year in which this Act is enacted, and December 31 of each of the ensuing 3 years, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report summarizing for the fiscal year ending in the year in which such report is due the progress made—

(A) in improving the management of the use of the Governmentwide commercial purchase card for making micro-purchases; and

(B) in achieving savings in micro-purchases made with such card, expressed in terms of average savings achieved by each executive agency in the use of discount agreements identified in paragraph (1) and the total savings achieved Governmentwide.

(b) PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.—The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

(c) REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.—

(1) ANNUAL REPORTS REQUIRED.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(2) CONTENT.—The reports submitted pursuant to paragraph (1) shall include, at a minimum, with respect to each travel by first class or business class—

(A) the names of each traveler;

(B) the date of travel;

(C) the points of origination and destination;

(D) the cost of the first class or business class travel; and

(E) the cost difference between such travel and travel by coach class.

SEC. 305. LEAD SYSTEMS INTEGRATORS.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop a government-wide definition of lead systems integrators and complete a study on the use of such integrators by executive agencies.

(b) GUIDANCE.—Not later than 180 days after the study under subsection (a) is completed, the Administrator for Federal Procurement Policy shall issue guidance on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

SEC. 306. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) REGULATIONS.—The Administrator for Federal Procurement Policy shall promulgate regulations applicable to contracts described in subsection (b) to minimize the excessive use by contractors of subcontractors or tiers of subcontractors in cases where a subcontractor does not perform work in proportion to any overhead or profit that the subcontractor receives under the contract.

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

SEC. 307. RESPONSIBILITY OF CONTRACTORS THAT ARE SERIOUS THREATS TO NATIONAL SECURITY.

(a) RESPONSIBILITY OF CONTRACTOR.—The contracting officer for an executive agency may consider whether a contractor may pose a serious threat to national security in assessing whether a contractor is responsible enough to be awarded a Federal contract.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall provide guidance to executive agencies on implementation of this section.

SEC. 308. REQUIRED CERTIFICATION OF PROGRAM MANAGERS FOR DEPARTMENT OF HOMELAND SECURITY LEVEL ONE PROGRAMS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall assign to each program of the Department of Homeland Security with an estimated value of more than $100,000,000 at least one program manager certified by the Secretary as competent to administer programs of that size.

SEC. 309. ELIMINATION OF ONE-YEAR LIMITATION ON INTEREST DUE ON LATE PAYMENTS TO CONTRACTORS.

Section 3901(d)(3)(A) of title 31, United States Code, is amended to read as follows:

''(3)(A) Except as provided in subparagraph (B), an interest penalty under this chapter does not continue to accrue after a claim for an interest penalty is filed in the manner described in paragraph (2).''.

SEC. 310. ENSURING THAT FEDERAL EMPLOYEES PERFORM INHERENTLY GOVERNMENTAL WORK.

The Administrator for Federal Procurement Policy shall—

(1) analyze the services for which agencies are contracting (other than through the process governed by Office of Management and Budget Circular A–76);

(2) establish government-wide guidelines to ensure that inherently governmental work is performed by Federal employees; and

(3) report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on actions taken under this section not later than 180 days after the date of the enactment of this Act.

SEC. 311. REPORT ON ACQUISITION ADVISORY PANEL REPORT IMPLEMENTATION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a comprehensive report on implementation of the recommendations of the Acquisition Advisory Panel (in this section referred to as the ''Panel'') established under section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 405 note).

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the implementation of the recommendations of the Panel; and

(2) with respect to any recommendations of the Panel not implemented, a justification and discussion of the reasons for not implementing such recommendations.

SEC. 312. REPORT BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REPORT.—In order to assess additional actions that should be taken to further improve the acquisition system, the Comptroller General of the United States shall, not later than 1 year after the date of the enactment of this Act, conduct reviews and submit one or more reports to Congress on Federal acquisition policy.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of the 2 statutory standards governing the qualifications of the government's acquisition workforce and an assessment of the implementation of and practical impact of both standards and whether there should be a single standard for the acquisition workforce.

(2) A list and assessment of all Federal institutions providing acquisition and program management education and training and a recommendation on the advisability of continuing to offer education and training through multiple institutions or whether education and training should be combined at one government-wide institution.

(3) A review of agency compliance with Section 1412 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 433 note), including whether agencies have appointed Chief Acquisition Officers whose primary duties are acquisition management, and recommendations for the appointment of Chief Acquisition Officers government-wide.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall review the determinations made by executive agencies under section 303(g) regarding indefinite delivery, indefinite quantity contracts and shall submit to Congress a report on the implementation of requirements related to such determinations.

SEC. 313. MAPPING AND SURVEYING SERVICES.

The Administrator for Federal Procurement Policy shall amend the Federal Acquisition Regulation to provide guidance on contracting for mapping and surveying services in accordance with chapter 11 of title 40, United States Code, to ensure that these services are being procured through appropriate competitive procedures and that offers are evaluated using a qualifications-based selection process.

SEC. 314. TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.

Section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

''(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.''.

Mr. DURBIN. I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee-reported amendment as amended be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table and that any statements be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 3565) was agreed to.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 680) was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 2318

Mr. DURBIN. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. Without objection, the clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2318) to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

Mr. DURBIN. Madam President, I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, NOVEMBER 8, 2007

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:45 a.m., Thursday, November 8; that on Thursday, 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, with the time equally divided and controlled between the two leaders or their designees; provided that the majority controls the first half and the Republicans controlling the final portion; that at the close of morning business, the Senate resume the veto message on H.R. 1495, as provided for under a previous order.

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Thursday, November 8, 2007, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARY ANN GLENDON, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

CHARLES A. GARGANO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

VICTORIA CLARKE, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE PENNE PERCY KORTH, TERM EXPIRED.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009, VICE BARBARA MCCONNELL BARRETT, TERM EXPIRED.

ELIZABETH F. BAGLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008. (REAPPOINTMENT)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ERIC J. TANENBLATT, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2012, VICE DOROTHY A. JOHNSON, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

S. NAJLAA ABDUS-SAMAD, OF NEW YORK
J. ANDREW ABELL, OF THE DISTRICT OF COLUMBIA
ANTHONY W. ALEXANDER, OF CALIFORNIA
CHRISTOPHER CAMPBELL ALLISON, OF MISSOURI
ERFANA ANDRABI, OF WASHINGTON
FARIS Y. ASAD, OF OHIO
FOREST GRADY ATKINSON, OF CALIFORNIA
BENJAMIN SETH BAILEY, OF WASHINGTON
ANNE ELIZABETH BAKER, OF WASHINGTON
CHELSEA M.H. BAKKEN, OF WASHINGTON
DANIELA A. BALLARD, OF CALIFORNIA
ANN BARROW, OF FLORIDA
ALISTAIR CHARLES BASKEY, OF TEXAS
TODD MICHAEL BATE-POXON, OF FLORIDA
MATTHEW KENNETH BEH, OF NEW YORK
MARIJU LIBO-ON BOFILL, OF WEST VIRGINIA
SCOTT CHARLES BOLZ, OF WASHINGTON
PAULINE NICOLE BORDERIES, OF CALIFORNIA
JENNIFER F. BOSWORTH, OF THE DISTRICT OF COLUMBIA
TOBIAS ALYN BRADFORD, OF TEXAS
STACI A. BROTHERS-JACKSON, OF GEORGIA
CHRISTOPHER CHARLES BROWN, OF WISCONSIN
D.A. BROWN, OF FLORIDA
JUSTIN PATRICK BROWN, OF CALIFORNIA
THOMAS E. BROWN, JR., OF MARYLAND
TIMOTHY PATRICK BUCKLEY, OF NEW YORK
DAYLE REBECCA CARDEN, OF TEXAS
LYRA SHARON CARR, OF NEVADA
CASSANDRA CARRAWAY, OF CALIFORNIA
MICHAEL J. CARVER, OF TEXAS
ERIC CATALFAMO, OF FLORIDA
ETHAN DANIEL CHORIN, OF CALIFORNIA
LEWIS A. CLARK, OF TEXAS
CHRISTOPHER T. CORTESE, OF FLORIDA
KIM D'AURIA-VAZIRA, OF CALIFORNIA
TIMMY T. DAVIS, OF CALIFORNIA
FRANK DEPARIS, OF VIRGINIA
SHELLY J. DITTMAR, OF NEW YORK
KATYA DMITRIEVA, OF NEW YORK
ANDREA SUSANA M. DONNALLY, OF FLORIDA
JED TARO DORNBURG, OF THE DISTRICT OF COLUMBIA
DANIEL S. DUANE, OF NEW YORK
JULIE A. EADEH, OF MICHIGAN
MICHAEL G. EDWARDS, OF WASHINGTON
KIERA LACEY EMMONS, OF CALIFORNIA
RICHARD J. FAILLACE, OF NEW JERSEY
JOSEPH T. FARRELLY, OF THE DISTRICT OF COLUMBIA
YURIY R. FEDKIW, OF OHIO
JULIA C. FENDRICK, OF MARYLAND
TIMOTHY J. FINGARSON, OF MARYLAND
ANDREA FINNEGAN, OF NEW YORK
REES M. FISCHER, OF FLORIDA
MICHAEL KEVIN FITZPATRICK, OF MARYLAND
CHRISTOPHER T. FRIEFELD, OF VIRGINIA
THOMAS BARRY FULLERTON, JR., OF TENNESSEE
ENRIQUE RODRIGO GALLEGO, OF ILLINOIS
ANGELA LOUISE GEMZA, OF MINNESOTA
ANITA GHILDYAL, OF MISSOURI
MATTHEW BRYANT GOLDEN, OF CALIFORNIA
CANDACE A. GRAVES, OF NORTH CAROLINA
JOHN H. GREGG, OF ALABAMA
JASON KAMATA HACKWORTH, OF WASHINGTON
DANIEL E. HALL, OF ARIZONA
SCOTT WILLIAM HANSEN, OF VIRGINIA
ALEXANDER K. HARDIN, OF OHIO
DANIELLE ALISA HARMS, OF PENNSYLVANIA
SCOTT EDWARD HARTMANN, OF THE DISTRICT OF COLUMBIA
LESLEY M. HAYDEN, OF MINNESOTA
RICH HEATON, OF CALIFORNIA
MARIA HERBST RICHART, OF ALASKA
PRISCILLA A. HERNANDEZ, OF TEXAS
KARY I. HINTZ-TATE, OF VIRGINIA
COURTNEY HOUK, OF FLORIDA
JERRY S. ISMAIL, OF VIRGINIA
JOSEPH SAMUEL JACANIN, OF INDIANA
RICHARD C. JAO, OF NEW YORK
JUDITH M. JOHNSON, OF TEXAS
TODD M. KATSCHKE, OF ILLINOIS
PAMELA R. KAZI, OF MINNESOTA
MARY ELIZABETH KNAPP-RASAY, OF FLORIDA
ELIZABETH J. KONICK, OF NEW YORK
BRYAN K. KOONTZ, JR., OF VIRGINIA
STEPHEN GYULA KOVACSICS, OF FLORIDA
ERIC J. KRAMP, OF FLORIDA
MARYBETH KRUMM, OF CALIFORNIA
JAMIE TYLER LA MORE, OF ARIZONA
MARSHA ANN LANCE, OF FLORIDA
JOHN C. LETVIN, OF FLORIDA
ADHAM ZIBAS LOUTFI, OF CALIFORNIA
CHRISTIAN J. LYNCH, OF NEW YORK
THOMAS H. LYONS, OF TENNESSEE
MICHAEL H. MARGOLIES, OF LOUISIANA
ANN L. MASON, OF MICHIGAN
JENNIFER J. MCALPINE, OF MINNESOTA
EVAN MCCARTHY, OF RHODE ISLAND
ROBERT A. MCCUTCHEON, OF MARYLAND
SHANNON TOVAN MCDANIEL, OF MISSOURI
JASON MCINERNEY, OF CALIFORNIA
JOHN T. MCNAMARA, OF NEW YORK
BERNADETTE M. MEEHAN, OF NEW YORK
RICHARD CONRAD MICHAELS, OF ARIZONA
MATTHEW J. MILLER, OF WYOMING
ANTHONY MIRANDA, OF WASHINGTON
REBECCA SHIRA MORGAN, OF ILLINOIS
ERIC G. MORIN, OF FLORIDA
JAMES M. MORRIS, OF MASSACHUSETTS
JOSHUA C. MORRIS, OF WASHINGTON
OLIVER JOHN MOSS III, OF FLORIDA
JUNAID MAZHAR MUNIR, OF MICHIGAN
FAHEZ AHMAD NADI, OF NEW YORK
ARI NATHAN, OF CALIFORNIA
JAMES PATRICK NEEL, OF NEVADA
PETER NEISULER, OF MASSACHUSETTS
PHILLIP B. NERVIG, OF NEW YORK
DAVID C. NG, OF ARIZONA
SADIA NIAZI, OF VIRGINIA
SEAN PATRICK O'HARA, OF VIRGINIA
TREVOR R. OLSON, OF IDAHO
ADAM DANIEL PACKER, OF INDIANA
CHRISTINE D. PARKER, OF ILLINOIS
WALTER PARRS III, OF NEW YORK
DEXTER C. PAYNE, OF VIRGINIA
JONATHAN R. PECCIA, OF ILLINOIS
ROBERT PATRICK PECK, OF FLORIDA
ELIZABETH LYNNE PERRY, OF MASSACHUSETTS
TIMOTHY C. PHILLIPS, OF CALIFORNIA
MICHAEL EDWARD PIGNATELLO, OF THE DISTRICT OF COLUMBIA
CYNTHIA L. PLATH, OF CALIFORNIA
MARY ELIZABETH ROSE POLLEY, OF VIRGINIA
JENNIFER KATHLEEN PURL, OF CALIFORNIA
SARA M. REVELL, OF TEXAS
JASON BRADLEY RIEFF, OF THE DISTRICT OF COLUMBIA
BERNADETTE EILEEN ROBERTS, OF MICHIGAN
BENEDICT ROBINETTE, OF VIRGINIA
SCOTT ASHTON ROBINSON, OF CALIFORNIA
JACQUELYN BURKE ROSHOLT, OF MINNESOTA
ADAM DOUGLAS ROSS, OF CONNECTICUT
JEFF ROTERING, OF NORTH DAKOTA
RUTH ELLEN RUDZINSKI, OF COLORADO
EMMETT J. RYAN, JR., OF MONTANA
KIRK HARRIS SAMSON, OF WISCONSIN
JANET NICOLE SANDERS, OF ARKANSAS
GABRIELLE HAYES SARRANO, OF VIRGINIA
BRIANA L.M. SAUNDERS, OF MINNESOTA
KAREN P. SCHINNERER, OF MICHIGAN
J. MICHELLE SCHOHN, OF NORTH CAROLINA
DAWN M. SCHREPEL, OF TEXAS
VANESSA A. SCHULZ, OF THE DISTRICT OF COLUMBIA
SHELLY A. SEAVER, OF FLORIDA
JUNE A. SHIN, OF CALIFORNIA
JOHN H. SILSON, OF OHIO
DANIEL E. SLAVEN, OF TEXAS
PATRICK T. IOWINSKI, OF TEXAS
BETH MOSER SMITH, OF VIRGINIA
BRIAN KENNETH STIMMLER, OF FLORIDA
CHRISTY MELICIA WATKINS STONER, OF VIRGINIA
AMY L. STORROW, OF TEXAS
BRYAN RICHARD SWITZER, OF CALIFORNIA
MATTHEW ALAN TAYLOR, OF FLORIDA
PAUL S. THOMAS, OF COLORADO
ANTHONY DEAN TRANCHINA, OF NEW YORK
SHAWN HARRIS TRIBE, OF CALIFORNIA
KAREN K. TSAI, OF NEW YORK
FRANK F. TU, OF CALIFORNIA
MICHAEL TURNER, OF CALIFORNIA
SUSAN LEA UNRUH, OF TEXAS
ADAM RICHARD VOGELZANG, OF MICHIGAN
JASON VORDERSTRASSE, OF CALIFORNIA
JOCELYN ANN VOSSLER, OF CALIFORNIA
SHARON ANN WEBER-RIVERA, OF NEW YORK
HELAENA WOSSUM WHITE, OF TENNESSEE
SCOTT LEE WHITMORE, OF NEW HAMPSHIRE
JOHN DAVID WILCOCK, OF VIRGINIA
EMILY L. WILLIAMS, OF MINNESOTA
PATRICK C. WILLIAMS III, OF WEST VIRGINIA
RACHEL ELIZABETH WOLFE, OF VIRGINIA
CARSON H. WU, OF VIRGINIA
MICHAEL H. YOUNG, OF CALIFORNIA
STACIE ZERDECKI, OF TEXAS
MELANIE ANNE ZIMMERMAN, OF MARYLAND
JIM ZIX, OF OREGON

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

LAWRENCE G. JOHNSON, OF CALIFORNIA
TRACY T. PERRELLI, OF THE DISTRICT OF COLUMBIA
LISA RIGOLI, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KURT WALTER TONG, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LONNIE J. PRICE, OF VIRGINIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. CLIFFORD I. PEARSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. ROBERT J. PAPP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. DAVID P. PEKOSKE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. SORENSON, 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant commander

STEVEN C. ACOSTA, 0000
MICHAEL N. ADAMS, 0000
STERLING V. ADLAKHA, 0000
MICHAEL J. ANDERSON, 0000
TODD W. ANDERSON, 0000
RALPH P. ANGUIANO, 0000
BRADFORD E. APITZ, 0000
WALTER J. ARMSTRONG, 0000
WILLIAM L. ARRITT, 0000
MATTHEW J. BAER, 0000
GRETCHEN M. BAILEY, 0000
GREGORY R. BARBIAUX, 0000
KLAUS J. BARBOZA, 0000
PATRICK T. BARELLI, 0000
KEVIN M. BARRES, 0000
ROBERT B. BARTHELMES, 0000
WILLIAM M. BASHWINGER, 0000
CHARLES E. BASS, 0000
JONATHAN BATES, 0000
JOSHUA D. BAUMAN, 0000
ABBY S. BENSON, 0000
ALEX W. BERGMAN, 0000
MICHAEL J. BERGMAN, 0000
JAMES B. BERNSTEIN, 0000
KRISTI L. BERNSTEIN, 0000
KEVIN C. BERRY, 0000

JASON M. BIGGAR, 0000
KATIE R. BLANCHARD, 0000
KERRY R. BLOUNT, 0000
DIANNA L. BO, 0000
MATTHEW A. BRADEN, 0000
JOHN B. BRADY, 0000
MARC BRANDT, 0000
MARK A. BRAXTON, 0000
JASON A. BRENNELL, 0000
CHARLES J. BRIGHT, 0000
JOSEPH D. BROWN, 0000
RANDALL E. BROWN, 0000
ROY R. BRUBAKER, 0000
GREGG W. CASAD, 0000
ERIC R. CASLER, 0000
KIMBERLY B. CHESTEEN, 0000
WALTER CHUBRICK, 0000
HECTOR L. CINTRONALBINO, 0000
BRYAN E. CLAMPITT, 0000
JEFFREY S. CLARK, 0000
ROBERT K. COLBY, 0000
MATTHEW R. COLMER, 0000
PETER A. COOK, 0000
ANGELA L. COOPER, 0000
JOANDREW D. COUSINS, 0000
CHRISTOPHER F. COUTU, 0000
THOMAS D. CRANE, 0000
DEREK L. CROMWELL, 0000
CHARLES C. CULOTTA, 0000
MARCIE L. CULOTTA, 0000
KENNETH C. CUTLER, 0000
ROQUE DANAS, 0000
WILLIAM M. DANIELS, 0000
ALFORD L. DANZY, 0000
THOMAS C. DARCY, 0000
CARMEN S. DEGEORGE, 0000
FRANCIS J. DELROSSO, 0000
KELLY K. DENNING, 0000
FREDERICK D. DETAR, 0000
STEPHEN A. DEVEREUX, 0000
JOSE E. DIAZ, 0000
JON A. DIGIORGIO, 0000
JOHN R. DITTMAR, 0000
JANINE E. DONOVAN, 0000
DAVID M. DUBAY, 0000
MIA P. DUTCHER, 0000
TIMOTHY W. EASON, 0000
JAMES P. EILAND, 0000
JOHN A. ELY, 0000
THEODORE J. ERDMAN, 0000
ANTHONY S. ERICKSON, 0000
BRIAN C. ERICKSON, 0000
SEAN C. FAHEY, 0000
JOSHUA W. FANT, 0000
JOHN M. FEREBEE, 0000
WILLIAM D. FIELD, 0000
TODD A. FISHER, 0000
JAMES T. FLANNERY, 0000
CORINNA M. FLEISCHMANN, 0000
AURORA I. FLEMING, 0000
BENJAMIN E. FLEMING, 0000
FRANK L. FLOOD, 0000
TAMARA L. FLOODINE, 0000
KEVIN D. FLOYD, 0000
JAMES G. FORGY, 0000
THOMAS R. FOSTER, 0000
PAUL E. FRANTZ, 0000
MATTHEW J. FUNDERBURK, 0000
CHRISTOPHER J. GAGNON, 0000
LAWRENCE D. GAILLARD, 0000
JOSEPH W. GASKILL, 0000
BENJAMIN A. GATES, 0000
EDWARD P. GERAGHTY, 0000
MARK A. GIBBS, 0000
BENJAMIN M. GOLIGHTLY, 0000
WADE W. GOUGH, 0000
MARK A. GRABOSKI, 0000
MARCELLA A. GRANQUIST, 0000
TIMOTHY J. GRANT, 0000
DANIEL W. GRAY, 0000
SHAWN C. GRAY, 0000
CHANCE C. GREENE, 0000
ANDREW L. GUEDRY, 0000
JASON B. GUNNING, 0000
LUIS E. GUTIERREZ, 0000
JOHN K. HAHN, 0000
THOMAS J. HALL, 0000
MATTHEW W. HAMMOND, 0000
KEITH T. HANLEY, 0000
SEAN P. HANNIGAN, 0000
JOANNE N. HANSON, 0000
KATRINA B. HARPER, 0000
THOMAS T. HARRISON, 0000
CHARLES W. HAWKINS, 0000
CASEY J. HEHR, 0000
ERIC A. HELGEN, 0000
BRIAN J. HENRY, 0000
EDWARD J. HERNAEZ, 0000
WESLEY H. HESTER, 0000
TOBY L. HOLDRIDGE, 0000
BRIAN P. HOPKINS, 0000
WESLEY K. HOUT, 0000
DAVID F. HUNTER, 0000
TEDD B. HUTLEY, 0000
JEFFREY H. JAGER, 0000
JERALD R. JARVI, 0000
STEPHEN B. JAUDON, 0000
RANDY J. JENKINS, 0000
KAREN C. JENSEN, 0000
STARLING S. JINRIGHT, 0000
ERIC J. JONES, 0000
RADIAH M. JONES, 0000
SCOTT B. JONES, 0000
WAYNE E. KEAN, 0000
MICHAEL A. KEANE, 0000
CARL M. KEPPER, 0000
IBRAHIM M. KHALIL, 0000
BRIAN R. KHEY, 0000
MICHAEL E. KICKLIGHTER, 0000
JUSTIN A. KIMURA, 0000
WADE S. KIRSCHNER, 0000
CASSIE ANN KITCHEN, 0000
JOSEPH W. KLATT, 0000
CHICO R. KNIGHT, 0000
ROBERT K. KORNEXL, 0000
DIRK L. KRAUSE, 0000
BRIAN C. KRAUTLER, 0000
JON M. KREISCHER, 0000
PERRY J. KREMER, 0000
THOMAS E. KUHAR, 0000
JOSEPH T. LALLY, 0000
TAYLOR Q. LAM, 0000
ERIK LASALLE, 0000
TIMOTHY R. LAVIER, 0000
DANIEL F. LEARY, 0000
LYNDA C. LECRONE, 0000
MICHAEL D. LENDVAY, 0000
LANCE E. LINDGREN, 0000
TIMOTHY J. LIST, 0000
JOHN H. LOVEJOY, 0000
LEANNE M. LUSK, 0000
BRIAN LY, 0000
ERICA N. MACK, 0000
KEASHA D. MARTINDILL, 0000
JOSE D. MARTIS, 0000
BENJAMIN J. MAULE, 0000
ALAN B. MCCABE, 0000
LEON MCCLAIN, 0000
TIMOTHY M. MCCLELLAN, 0000
IAIN LAEL MCCONNELL, 0000
PAUL S. MCCONNELL, 0000
KEVIN J. MCCORMACK, 0000
CARMEN A. MCKINSTRY, 0000
AARON R. MEADOWS-HILLS, 0000
MICHAEL L. MEDICA, 0000
JASON L. MENAPACE, 0000
IVAN R. MENESES, 0000
ZEITA MERCHANT, 0000
JOSEPH E. MEUSE, 0000
JOHN MILLER, 0000
JOSHUA P. MILLER, 0000
DEAN J. MILNE, 0000
JOHN HENRY MIXSON, 0000
ROBERT W. MOORE, 0000
SIMONE R. MOORE, 0000
STEPHANIE A. MORRISON, 0000
DAVID B. MURRAY, 0000
PATRICK M. MURRAY, 0000
ROBERT D. MUTTO, 0000
GARY R. NAUS, 0000
RAYMOND NEGRON, 0000
ERIC D. PEACE, 0000
JEFFREY S. PEARSON, 0000
ROBERT M. PEKARI, 0000
ARTURO S. PEREZ, 0000
JOSE PEREZ, 0000
MARK E. PESNELL, 0000
THOMAS S. PHILBRICK, 0000
KRISTIAN B. PICKRELL, 0000
MICHAEL R. PIERNO, 0000
JEFFREY J. PILE, 0000
CHARLOTTE E. PITTMAN, 0000
MICHAEL J. PLUMLEY, 0000
ERIC C. POPIEL, 0000
KENNETH R. POST, 0000
SCOTT B. POWERS, 0000
CLINTON J. PRINDLE, 0000
BRIAN H. PROVINCE, 0000
ARTHUR L. RAY, 0000
TODD E. RAYBON, 0000
JAMES E. REYNOLDS, 0000
JAMIE L. RICKERSON, 0000
VICTOR F. RIVERA, 0000
ROGER G. ROBITAILLE, 0000
LUIS J. RODRIGUEZ, 0000
BRUST B. ROETHLER, 0000
JAMES M. ROGAN, 0000
JERREL W. RUSSELL, 0000
CHRISTY D. RUTHERFORD, 0000
MARIA A. RUTTIG, 0000
ROBERT G. SALEMBIER, 0000
PRIDE L. SANDERS, 0000
MICHAEL R. SARNOWSKI, 0000
CHRISTINA M. SCHULTZ, 0000
RICHARD M. SCOTT, 0000
KELLY C. SEALS, 0000
WILLIAM E. SEWARD, 0000
GREGORY J. SILVA, 0000
PETER J. SIMONDS, 0000
MICHAEL R. SINCLAIR, 0000
KEVIN J. SMITH, 0000
ANTONIO R. SOLIZ, 0000
BOWEN C. SPIEVACK, 0000
JOSHUA T. STEFFEN, 0000
ERICH V. STEIN, 0000
BLAKE D. STOCKWELL, 0000
JENNIFER A. STOCKWELL, 0000
VERONICA A. STREITMATTER, 0000
JOHN R. TAYLOR, 0000
SHAD A. THOMAS, 0000
MATTHEW A. THOMPSON, 0000
PATRICK M. THOMPSON, 0000
DEREK R. THORSRUD, 0000
CRAIG S. TOOMEY, 0000
GREGORY M. TOZZI, 0000
ALLEN R. TURNER, 0000
KEITH M. UTLEY, 0000
VINCENT W. VANNESS, 0000
MICHAEL R. VAUGHN, 0000
GREGORY J. VIOLA, 0000
DANIEL R. WARREN, 0000
DOUGLAS G. WATSON, 0000
JAMES D. WEAVER, 0000
DAVID M. WEBB, 0000
MATTHEW T. WELLER, 0000
ERIC A. WESCOTT, 0000
ANDRE J. WHIDBEE, 0000
EDWARD A. WIELAND, 0000
DAMON A. WILLIAMS, 0000
ERIN E. WILLIAMS, 0000
TERENCE J. WILLIAMS, 0000
AMY E. WIRTS, 0000
CHRISTOPHER G. WOLFE, 0000
NICHOLAS L. WONG, 0000
MARC A. ZLOMEK, 0000

EXTENSIONS OF REMARKS

TRIBUTE DR. DANIEL COLLINS

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable pioneers, Dr. Daniel Collins. Dr. Collins died this month at age 91, leaving an enduring legacy to the people of Marin County, where he lived, to those of the San Francisco Bay Area, where he worked and taught, and to generations of black Americans across the country.

A practicing dentist, Dr. Collins was the first black man to teach at the University of California, San Francisco School of Dentistry.

''It opened the doors for others,'' says his son, Chuck Collins.

After his retirement from dentistry, he served on the board of directors of the San Francisco Dental Society, the trustees of the American Fund for Dental Education and as a member of the house of delegates of the California Dental Association. Moreover, such pioneering efforts extended beyond his professional life. Dr. Collins founded the first black-owned savings and loan in San Francisco, for example, as well as the San Francisco chapter of the Urban League, later known as the Bay Area Urban League.

Elberta Eriksson worked with Dr. Collins in those early days of the Urban League and remembers helping him promote awareness of discrimination in employment.

''I would see something on the college bulletin board announcing a job on Market Street or something,'' she says. ''When I would walk in to apply, they would say I was too qualified. Then I would report back to the Urban League and they would follow up.''

She notes that Dr. Collins' intention was to help blacks to fair employment before there were fair employment laws.

As a pioneer, Dr. Collins felt called to mentor young people, and he and his wife, DeReath, were activists in their community as members of various groups, such as the Marin African Coalition. Together they helped to found MARC—Malin Aid to Retarded Children—now known as Lifehouse, a residential and counseling center for people with developmental disabilities located in San Rafael.

In 1960, former Gov. Pat Brown appointed Dr. Collins to the State Board of Education, which 6 years later approved a new history text that recognized the contributions of women and minorities. He was also named a Distinguished Alumnus by UCSF School of Dentistry, and a Local Hero by Bay Area television station KQED. His alma mater, Paine College, even named a library after him.

''But he had absolutely no ego whatsoever,'' says Regina Carey, a family friend and Dr. Collins' personal assistant for many years. ''He would do all kinds of things and get all kinds of accolades and it never went to his head.'' Among Dr. Collins' pioneering efforts, she notes, was his selection as the first black to head a national campaign for a presidential election, when he supported Adlai Stevenson. Collins also helped create the Sun-Reporter newspaper in San Francisco and the Church for the Fellowship of All People, one of the first nondenominational, interracial churches in the country.

But perhaps Dr. Collins' greatest contribution will never be marked by an award or a plaque or a resolution. Perhaps it will be the one few people ever know about—which is this: In the early 1950s, when Dr. Collins and his wife tried to buy a home in Mill Valley, long a summer resort area for San Franciscans and an all-white town in an almost all-white county, a deed restriction prevented the homeowner from selling to a black man. Local real estate agents offered to buy the house to keep the black family out. That the doctor and his wife were successful in purchasing their home and moving into the town eventually changed the landscape for future generations of black families in Marin.

But then, Dr. Collins did that in all areas of his life, in his own quiet way. That is why, Madam Speaker, I rise today to honor the life and courage of Dr. Daniel Collins.

CELEBRATING UPPER DUBLIN HIGH SCHOOL'S VETERANS HISTORY PROJECT PARTICIPATION

HON. ALLYSON Y. SCHWARTZ
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Upper Dublin High School in Upper Dublin Township, PA on their outstanding participation in the Veterans History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a Web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean Veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize Upper Dublin High School's Veterans History Project participation at a special event, ''Preserving Their Stories: A Salute to Veterans History Project Volunteers,'' at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

CELEBRATING THE 100TH ANNIVERSARY OF ST. ADALBERT PARISH IN TOLEDO, OHIO

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. KAPTUR. Madam Speaker, I rise today to recognize St. Adalbert Parish. On October 28, 2007, Saint Adalbert Parish in Toledo, Ohio celebrated its naissance into the north Toledo Polish Community. This 100th anniversary commemorates the formative role St. Adalbert's had in helping shape a vibrant Toledo, while centering an ethnic community of largely citizens of Polish descent. The celebration, commenced with Mass, reminded those attendees of their proud Polish heritage that molded north Toledo, but also northwest Ohio. For this celebration marked a day that spoke to the importance of commemorating important ethnic communities in America because these immigrant-based groups have enriched America's heritage.

Approximately 170 years ago, the banks of the Maumee River welcomed the first Polish immigrant with the family name Vistula, a name shared with the central river of Poland. Following this initial arrival, Toledo attracted more Polish pioneers from Kraków, the medieval capital of Poland and from Warsaw, Poland's current capital in the Mazowsze region. However, during the 19th century, the overwhelming majority of Polish settlers came from the western territories. These western territories of Poland were controlled by the Germans. Poles longed to escape the religious and linguistic persecution of the infamous ''Kulturkamt instituted by Otto von Bismarck, subsequently followed by the ''Ha-Ka-Ta'' program of colonization by buying up Polish lands.

The specific origins of Poles fleeing German maltreatment are known. Most came from Poznań province, the seat of Poland's earliest Roman Catholic cathedral. Other Poles came from the Pałuki region around the county of Znin. This region rests immediately to the northwest of the Kujawy region around Gniezno. Upon finding a sight of white eagles

here, Prince Lech established this as the capital and further, the white eagle became the national coat-of-arms.

Additionally, Poles migrated to America at the beginning of the 20th Century through the First World War. They arrived from the Austrian-held southern Poland, Zakopane with Gorale culture, Rzeszów, Lwow, Russian territories of Kujawy, and Wiłno, the modern capital of Lithuania.

Regardless of their ancestral region, Polish immigrants contributed greatly to Toledo's growing labor forces. By 1920, people of Polish origin constituted the largest foreign-born group in Toledo and Lucas County. These settlers accounted for at least one quarter of the population of northwest Ohio, eventually spilling over into southeastern Michigan. Toledo was the largest city in northwest Ohio with a population of over 300,000 people. Residents of Polish ancestry now number over 60,000.

Given Poland's special relationship with the Catholic Church, when Poles came to inhabit Toledo, naturally, the Catholic Church became the bastion of their communities. Indeed its establishment predated the formation of the Roman Catholic Diocese of Toledo itself. By 1879, the Lagrange street district (known as ''Lagrinka'' by Poles) hosted the first Polish parish under the patronage of Saint Hedwig, Queen of Poland. The Polish Lagrinka district rapidly expanded into the beginning of the 20th century. By 1907, Bishop Ignatius Horstmann of Cleveland established a second Polish parish in the Lagrange Street district as a division of St. Hedwig Parish. The bishop assigned Fr. Jozef Wachowski, a young priest who worked in Cleveland, to begin the new parish by October 18, 1907 with Park Street as the boundary line. The old church building of St. Hedwig housed the first parish meeting on February 23, 1908.

By March 4, 1908, Bishop Horstmann approved the choice of St. Adalbert as the namesake and patron of the new parish. The official announcement of the parish patron saint was made on March 15, 1908. A nine-room cottage on the property was used as the pastor's house. By November of 1908, Fr. Wachowski signed a contract for a combination church/school building, and a pastoral residence. The first spade of ground for the new church was turned on December 1, 1908, at 12 o'clock noon.

Auxiliary Bishop Joseph Kudelka laid the cornerstone on May 2, 1909. Representatives of all the Polish parishes in the Toledo and Rossford areas, and parishes from Ironville in east Toledo attended this ceremony. The church school was finished in October 1909. Work started on the rectory in February of 1909. A demonstration of Catholic Polish people which has never been equaled in Toledo took place Sunday, September 18, 1910 when the Right Reverend Bishop from Chicago dedicated St. Adalbert Church and School on Lagrange and Oakland Streets. The parade to follow showcased all societies, military and religious, of all the Polish churches. Bishop Paul P. Rhode was the first and only Polish bishop in the United States, leading nearly 3,000,000 Catholic Poles and more than 800 churches. By October 1909, Fr. Wachowski moved into the new rectory, followed by a sister's convent in 1915.

St. Adalbert Parish eventually became the largest parish in the diocese; thus, it was necessary to build a new, separate church to sustain the parish members. On April 19, 1927, parish supporters laid the cornerstone to the present magnificent church. This church, built between the church-school and the parish house in the Spanish Mission style, was 145 feet long and 75 feet wide with a 100-foot tower at one side. September 18, 1927 celebrated the first Mass of the new church. The new St. Adalbert Church was dedicated by Bishop Samuel A. Stritch on April 22, 1928, which also marked the 25th anniversary of Fr. Wachowski's ordination to the priesthood.

After the new church was built, the Great Depression came. Father Czarnecki inherited the debt of the church building. However, Fr. Czarnecki introduced and distributed financial booklets to list all the contributions of each member during the year. Due to the priest's business acumen, the building debt was paid.

Parishioners of Saint Adalbert have been involved in numerous organizations. These members of the parish organized a number of societies: St. Adalbert Society, St. Casmir's and St. Joseph's Societies, St. Michael Society (men), Altar-Rosary Society (women), and Young Ladies Society (girls), St. Theresa and Holy Rosary Sodalities, the Ladies' Guild, the Young People's Friendly Circle, the Catholic Order of Foresters, Court No. 1865, LCBA Branch No. 1434 and the Altar Boys' League. From these organizations and tight-knit community, Saint Adalbert was an anchor for the neighborhood.

The church buttressed a parish school that became a site of advancement for young people for generations. The selfless contributions of the teachers, more notably, the Felician Sisters ensured the students received a top-notch education, but nurtured students who were dedicated and devoted to serve their fellow man, community and country. Rev. J.P. Wachowski requested the services of the Felician Sisters. The future welfare of the Polish pioneers lay in their education and training by a religious community of their own nationality. Retaining some ethnic identity was essential for those separated from their mother country by a force of circumstances. The Felician Sisters have taught in Toledo since 1883, nine years after five Sisters arrived in Polania, Wisconsin from Poland to establish the first U.S. Foundation. The religious community was founded in Warsaw, Poland in 1855 by Mother M. Angela, eventually being housed in Livonia, Michigan in 1936. The sisters became an integral part of the community, the elementary schools, high schools, religious education centers, parish religious programs, a college hospital, home for dependent children and a home for the aged. The Congregation of Sisters of Saint Felix has been teaching at the St. Adalbert Parish for 98 years.

The original St. Adalbert Parish attracted about 150 families. Upon completion of the new parish, more than 1,000 families claimed Saint Adalbert as their parish. Presently, approximately 550 household families are registered at St. Adalbert Parish.

In lieu of current trends of former vibrant Polish communities, two parishes were superfluous to meet the needs of the community. Thus, to keep alive the Polish churches of North Toledo, in July of 2005, St. Adalbert Parish and St. Hedwig Parish were twinned, staying separate parishes but one community. What once partitioned the north Toledo Polish neighborhood has now become united. In fact, the parish schools of Saint Hedwig and Saint Adalbert joined, creating Pope John Paul II School, tangibly representing this union.

Indeed the story of 100 years of activity can never be told in its entirety; but the contributions of the Felicians, priests and laity, who served as lectors, ushers, Eucharistic ministers, choir members, musicians, youth athletic coaches, and skit, dance and musical choreographers nurtured the joy of community commemorated during its 100th anniversary.

October 2007 marks the 100th anniversary of St. Adalbert Parish. A year-long celebration begins with the blessing of the statue of our late Pope John Paul II. May God bless St. Adalbert Parish—all its founders and inheritors—and our beloved community, and city.

TRIBUTE TO MIKE FLYNT, A MEMBER OF THE SUL ROSS STATE UNIVERSITY FOOTBALL TEAM

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. RODRIGUEZ. Madam Speaker, I stand today to recognize an outstanding individual in my district. Recently, Mike Flynt, at age 59, became the second oldest athlete to participate in NCAA collegiate football. Mr. Flynt is a linebacker for the Sul Ross State University Lobos and has exemplified himself as a team leader and an inspiration to the younger players on the team. This weekend marks the final game of the season for the Sul Ross Lobos and I would like to congratulate the team on a great season and to Mike for providing leadership and inspiration that certainly contributed to the team's success.

Mike Flynt is not only an inspiration on the football field; he is also an expert in physical fitness. He is a certified Master of Fitness Sciences and a youth fitness trainer. He has worked as a fitness and conditioning specialist at the Universities of Nebraska, Oregon and Texas A&M. Mr. Flynt is also the inventor of a portable gym system that received a government patent and also a founding member of the international Strength and Conditioning Association.

Across the Nation, people have heard the story of Mike Flynt. He has received countless e-mails and letters congratulating him on his accomplishments. His popularity has also drawn donations to the University in order to fund scholarships and to purchase needed athletic equipment.

Because of this impact, I have asked President Bush to appoint Mr. Flynt to the Council of Physical Fitness and Sports. He would be a perfect candidate to serve on the council due to his lifelong commitment to health and fitness. He would serve as an inspiration to people of all ages and would be a wonderful addition to the Council.

I would like to reiterate my amazement at the accomplishments of Mike Flynt. I recognize him today for being an inspiration to his community and to the Nation. We should keep the story of Mike Flynt in mind and remember that age should not be a barrier to our dreams.

INTRODUCTION OF THE LOST RETIREMENT SAVINGS ACT OF 2007

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. LEWIS of Georgia. Madam Speaker, last week I introduced legislation that will help people who worked long hours, went to work everyday to support their families, and thought they were earning a retirement package that would be there at the end of their careers. Unfortunately, many in this body know the crisis some workers have endured regarding their defined benefit pension plans. Many people have felt the sting of lost jobs, reduced benefits, and bankrupt employers. Their retirement savings were lost.

The Lost Retirement Savings Act will allow airline workers to recover some of their benefits that were erased when their employers went bankrupt. By creating a retirement savings option for airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings we can offer help to workers. This legislation creates an opportunity for airline workers to rollover specified bankruptcy payments into a traditional or Roth individual retirement account.

Airline workers have lost more than $5 billion in wages alone. They have lost an additional $5 billion in defined benefit pension benefits. Some have lost more than their paycheck. Too many people lost their jobs. In my district, which covers metro Atlanta, Delta Air Lines has been particularly hard hit over the past few years. On September 11, there were 10,500 active Delta pilots. Today, there are 6,700.

We need to keep our pension system strong in America. We need to keep it strong for American workers and their families. If the system breaks, we need to stand up for all workers and find a solution. This legislation will restore some lost earnings and some lost opportunities. I look forward to seeing this passed.

INTRODUCTION OF THE ''TELEWORK IMPROVEMENT ACT OF 2007''

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. DAVIS of Illinois. Madam Speaker, telework continues to be under utilized by Federal agencies. Improvements are needed to allow more Federal employees to participate in telework programs. Today, Representative SARBANES will join me in introducing legislation that will ensure that agencies make those much needed improvements. Telework provides numerous benefits including increased flexibilities for both employers and employees, continuity of operations during emergency events, and decreased energy use and air pollution.

The Office of Personnel Management, OPM, defines telework as ''work arrangements in which an employee regularly performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.'' Many of the current Federal programs were developed in response to a provision included in an appropriations bill enacted in October 2000. This law requires each executive branch agency to establish a telework policy under which eligible employees ''may participate in telecommunting to the maximum extent possible without diminishing employee performance.'' Under the current legislative framework, the General Services Administration, GSA, and OPM have leading roles in implementing government-wide telework initiatives.

Unfortunately, telework is not being used to the extent it should be. According to OPM's most recent report, only about 119,000 of the approximately 1.8 million Federal employees participated in telework in 2005. That figure represents only 6.6 percent of Federal agency employees. Some of the barriers to telework include office coverage, organizational culture, management resistance, and technology security and funding. Today we want to examine ways to address these barriers and encourage teleworking.

On May 7, 2007, I, along with my colleagues, Representative KENNY MARCHANT, full committee Chairman HENRY WAXMAN, and Ranking Member TOM DAVIS sent a letter to 25 Federal departments and agencies requesting information on the telework programs of those agencies. The letter was intended to help us better understand how well agency telework programs are working. What we found is that not only is telework inconsistently defined across agencies, many agencies, do not effectively measure and track teleworkers. Some agencies do not even know how many of their employees actually telework.

In recent years, telework has increasingly been viewed as an important tool for ensuring continuity of essential government services in a time of crisis, such as in the event of a natural disaster or a terrorist attack. To help improve the preparedness of the Federal Government's operation in emergency situations, last session, I introduced H.R. 5366, the ''Continuity of Operations Demonstration Project Act.'' This legislation provided for a demonstration project under which at least two Federal agencies would perform services and operations under a simulated emergency in which Federal employees would have to work at locations away from their usual workplace, including home, for at least 10 consecutive days. A number of agencies have taken the initiative to perform demonstration exercises in the last several years but there are still many agencies that have not done so. I would like to see more agencies test their ability to continue operations in an emergency and incorporate telework into their continuity of operations plans.

Representative JOHN SARBANES, House Oversight and Government Reform Chairman HENRY WAXMAN, and Representative FRANK WOLF have joined me in introducing the ''Telework Improvement Act of 2007.'' This legislation breaks new ground by ensuring that eligible Federal employees have the opportunity to telework and that agencies are incorporating telework into their continuity of operations planning. The Act spurs Federal agencies to improve their telework policies by requiring every Federal agency to develop a telework program that allows employees to telework at least 20 percent of every 2-week work period, designate a senior level employee as a telework managing officer, and incorporate telework into their continuity of operations planning.

Our expectation is that this legislation will increase the number of Federal employees that are allowed to telework and thereby better prepare the Government for emergency events, reduce congestion and pollution, and create a more family-friendly workplace.

TRIBUTE TO MRS. MARGARET DREWNIAK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great respect and admiration that I stand before you today to recognize the many accomplishments of Mrs. Margaret (Marge) Drewniak. I can truly say that Marge is one of Northwest Indiana's most dedicated, distinguished, and honorable citizens. She is one of the most involved citizens that I have ever known, especially when it comes to her service to the people of Whiting, Indiana. For the past 37 years, Marge has been a constant fixture in Whiting, fully committed in her various capacities as a public servant. Most notably, Marge has served as the Clerk-Treasurer for the City of Whiting for the past 26 years. Though Marge has decided not to run for reelection, her efforts over the course of her tenure, and the impact she has had on the city and the people of Whiting will forever be remembered. To honor Marge, a reception will be held at the Knights of Columbus Hall in Whiting, Indiana, on Saturday, November 10, 2007.

One of 3 children, Margaret Kotyuk was born to Frank and Emma (Mitro) Kotyuk in Whiting, Indiana. A lifelong resident of Whiting, Marge attended the Whiting public schools. Upon her graduation, prior to beginning her career as a public servant, Marge was employed as a bookkeeper. Undoubtedly, it was during that time that Marge developed the skills that would be critical in her role as clerk-treasurer.

Marge began her career in the public sector in Whiting in 1970, where she served in various capacities within several departments under former Mayor Frank Harangody. In 1974, she was named deputy clerk-treasurer, a position she held until 1981, when she was appointed to complete the term of the late clerk-treasurer, Mary Jancek. This began Marge's 26-year tenure as Whiting's clerk-treasurer. During that time, she worked with four mayors: Frank Harangody, Joseph Grenchik, Robert Bercik, and current Mayor Joseph Stahura. Marge also served as a precinct vice-committeeperson and volunteered countless hours for the Whiting Democratic Precinct Organization during her tenure.

In her capacity as clerk-treasurer, Marge has been a member of many organizations throughout the years, including: the Indiana League of Municipal Clerks and Treasurers, the International Institute of Municipal Clerks and Treasurers, the Municipal Treasurers' Association of the United States and Canada, the Government Finance Officers Association, and the Indiana Association of Cities and Towns. Outside her elected position, Marge is

well-known to be an active member in several organizations within the Whiting community, including: the Whiting-Robertsdale Chamber of Commerce, the Knights of Columbus Wives Club, the Daughters of Isabella, the Whiting-Robertsdale Historical Society, the Sacred Heart Rosary Society, and the Friends of the Library.

While Marge's everyday presence will be missed at Whiting City Hall, she will now have a chance to spend more time to those closest to her—her family. A loving wife, mother, and grandmother, Marge's commitment to her community is surpassed only by her love for her family. Marge and her loving husband, Henry, have been married for an astonishing 55 years. With Marge's retirement, they plan to spend as much time as possible with their 3 children: Nancy (Michael) Pappas, James (Martha) Drewniak, and Ron (Lisa) Drewniak, and their adoring grandchildren: Brian and Kelly Pappas and Eric and Scott Drewniak.

Madam Speaker, Marge Drewniak has selflessly given her time and efforts to the people of Whiting, Indiana, throughout her years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her lifetime of service and dedication, and I ask that you join me in wishing her the best of health and happiness in the years to come.

PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2007

Mr. LANGEVIN. Madam Speaker, I wish to express my support of H.R. 3043, the Fiscal Year 2008 Departments of Labor, Health and Human Services, and Education, and Military Construction-Veterans Affairs Appropriations Act.

I have increasingly heard grave concerns from Rhode Islanders about the cuts and limitations in critical domestic programs over the past 6 years. Currently, one in six Americans is without health insurance, our schools are in desperate need of resources to meet the standards set in No Child Left Behind, and the recent housing slump and credit crunch have left our economy in trouble. Our safety net programs are more important than ever, as Americans work hard to keep their families healthy and their finances in order.

This legislation takes important steps to address the problems faced by so many Americans and prioritizes funding for those programs that have suffered the most under cuts by the Republican leadership in recent years. I am proud that Democrats have crafted a bill that will increase funding for Community Health Centers and Title VII programs, designed to increase access to health services for the medically underserved. This measure will also improve education by targeting resources toward special education and Title I grants to help low-income students and by increasing the maximum Pell Grant from $4,310 to $4,925, making college more affordable for many students. And it rejects the President's proposed cuts for medical research at the National Institutes of Health by supplying a level of funding that will sustain existing, cutting-edge research into diseases like cancer, Alzheimer's, Parkinson's and heart disease. Finally, it provides $2.4 billion for the Low-Income Home Energy Assistance Program—$250 million more than the current level—offering much-needed relief to the residents of Rhode Island, who are now facing the highest prices for home heating oil on record.

The Democratic leadership has also addressed the challenges facing our veterans by restoring accountability and oversight to ensure they receive the care they deserve. H.R. 3043 provides the biggest increase in veterans benefits in over 75 years, and the need could not be more urgent. This legislation includes an increase of $18 billion above the current level for military construction and veterans affairs, and is also $3.8 billion above the President's request. I am also pleased that this bill recognizes the concerns and reflects the advice of our veterans, by not only meeting, but exceeding the independent budget request, a needs estimate published by four veterans' service groups. This increase is critical to meet the needs of the many returning veterans who are suffering from Post-Traumatic Stress Disorder or Traumatic Brain Injury and require better care to successfully rebuild their lives. Additional funding will help alleviate the backlogged claim process and provide much-needed maintenance for VA health care facilities. The support shown by this Congress is a testament to the priority all of us place on our veterans.

In closing, I want to express my thanks to Chairman OBEY for reconciling so many diverse needs to craft a fair and fiscally responsible package, and reiterate my support for H.R. 3043.

CELEBRATING ABINGTON SENIOR HIGH SCHOOL'S VETERANS HISTORY PROJECT PARTICIPATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Abington Senior High School in Abington Township, PA, on their outstanding participation in the Veteran History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize Abington Senior High School's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

IN HONOR OF NAVY VETERAN AND PEARL HARBOR SURVIVOR ERNAL UNDERWOOD

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. CANNON. Madam Speaker, as Veteran's Day approaches, I rise in strong support of all who have ever worn the uniform. From the fields of Bunker Hill to the streets of Baghdad, and everywhere in between, American service members represent the very best of our Nation and deserve more than we can ever repay. But today I want to pay particular tribute to a resident of my district who is part of an elite club—Ernal Underwood is one of twelve Pearl Harbor survivors currently living in the State of Utah.

Mr. Underwood joined the Navy on January 7, 1941. Less than 1 year later Mr. Underwood found himself docked at Pearl Harbor on the USS *Helena*. On December 7, 1941 an aerial torpedo struck the USS *Helena* while Mr. Underwood was climbing down a ladder below the deck, on his way to write his wife a letter.

After his ship was hit, Mr. Underwood immediately ran to his battle station, picked up his weapon, and engaged the enemy. Mr. Underwood fired until his gun became too hot. After he ran to fetch a bucket of water in order to cool it down, on the way back to his station, he said he had an impression to ''stop.'' A few seconds later fire from an enemy aircraft pelted the cement on both sides of him. Fortunately, Mr. Underwood came away unscathed. Mr. Underwood's best friend was not so lucky. Later, Ernal Underwood was asked to identify the charred body of his best friend, Benjamin Vasser. Mr. Underwood found his buddy badly burned, but alive enough to blink a response to him. That was the last time Mr. Underwood would see his friend alive.

Less than 2 years later on July 6, 1943, Ernal Underwood found himself in the middle of the Kula Gulf battle in the South Pacific. That day the USS *Helena* suffered three direct hits from enemy torpedoes. The ship broke

into three pieces and the order to abandon ship was given. Despite three broken vertebrates, a broken ankle, and a large gash in his head, Mr. Underwood treaded water through the night and into the next day before being rescued by a Navy destroyer.

Madam Speaker, it is because of heroes like Ernal Underwood that we enjoy the freedom we have today. Men who asked nothing from their country, but gave everything. We owe them more than words, medals, or honors. What we as a Nation can do to say thank you to these heroes is leave our country and our world better than we found it. I ask that my colleagues join with me in honoring Ernal Underwood and thousands of veterans like him whose sacrifice left a world freer, stronger, and more prosperous.

TRIBUTE TO BRANDI HINDS

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor a young combat veteran whose efforts in an Afghani hospital embody the characteristics of a true humanitarian.

From May 5, 2007 to September 11, 2007, Brandi Hinds served as an Emergency Medical Technician with the 455th M.D.O.S. at Bagram Air Base in Afghanistan. While providing medical care in the local Afghani hospitals, Brandi noticed the day to day struggles that the Afghani people face, particularly the children. Brandi made it her mission to restore some normalcy to their lives in the midst of the chaos. Instead of writing home and asking for items that she needed, Brandi selflessly requested that friends and family members send items for the young children at the hospital. Shortly thereafter, packages began to arrive from home filled with toys and other small novelty and recreation items. Brandi's efforts brought joy to the many children she encountered. After her departure, Air Force Chaplain CPT Terri Gast continues to distribute the gifts to the Afghani children. What began as the desire of one individual to make a small difference has grown into a program fittingly named ''Brandi's Kids.''

Brandi's service and sacrifice has inspired the many whose lives she has touched. Today, Madam Speaker, I ask the House of Representatives to recognize Brandi's tireless dedication to the children of Afghanistan and thank her for her service to our great Nation.

TRIBUTE TO CLAYTON ANDERSON

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. SMITH of Nebraska. Madam Speaker, today, Wednesday, November 7, 2007, astronaut Clayton Anderson will touch down at Kennedy Space Center aboard the Space Shuttle *Discovery.* Clayton, a native of Ashland, NE, returns home after spending 5 months in space aboard the International Space Station.

I had the distinct honor of having a brief telephone conversation with Clay during his time aboard the International Space Station. It was truly an experience I will remember for the rest of my life.

Born in Omaha, Clayton received his bachelor of science degree in physics from Hastings College, Nebraska in 1981 and a master of science degree in aerospace engineering from Iowa State University in 1983. He joined the Johnson Space Center in 1983 and was selected as a mission specialist by NASA in June 1998. He launched to the Space Station on June 8, 2007 aboard Space Shuttle *Atlantis* with the crew of STS–117 and was assigned as Expedition 15 flight engineer.

Nebraskans from Omaha to Scottsbluff are proud of Clayton and all he has accomplished. He is an inspiration to all who wish to pursue their own goals—whether of one day traveling to and exploring space, teaching the next generation of students, or simply being the best person they can be.

PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2007

Mr. DINGELL. Madam Speaker, today the House will vote on a conference report which includes the 2008 Labor, Health and Human Services, and Education Appropriations bill and the 2008 Military Construction and Veterans Affairs Appropriations bill. I rise in support of this legislation because I believe that this legislation will fund programs families in the 15th District need and rely on—quality education, strong health care, jobs that are safe for its workers and secure retirement plans.

I am disappointed that the President has threatened to veto this legislation. I find it extremely irresponsible that he finds it acceptable to fund another $200 billion for the war in Iraq, but has issue with an increase of $9.8 billion for education, health and workforce programs and an increase of $4 billion for veterans' health care.

Specifically this legislation will:

Provide $37.2 billion to VA hospitals and clinics, and traumatic brain injury and post traumatic stress disorder research, over $2.6 billion more than the President requested.

Invest $124.2 million into VA claims processors to address the backlog of 400,000 benefit claims.

Increase education funding to $60.7 billion, funding that will be dedicated to Title I grants to help low-income children, teacher quality and after school programs, IDEA grants and Pell grants.

Dedicate $12 billion to dislocated worker training, Job Corps, and worker protection efforts at the Mine Safety and Health Administration and the National Institutes for Occupational Safety and Health.

Through this legislation we will fund all these programs, while only spending enough money equal to the cost of 2 months in Iraq. Let me be clear that it is not the goal of this Congress to withhold funding for our troops; however, it is important that Congress give this administration the message that our domestic programs should not be forgotten at the expense of a poorly handled and mismanaged war in Iraq.

Madam Speaker, the annual appropriations process is never easy, but this Congress we have an opportunity to pass a good piece of legislation that is also fiscally responsible. As Members of Congress, it is our duty to our constituents to fund programs that will improve their quality of life, which is why I urge my colleagues to join me in supporting this legislation.

PERSONAL EXPLANATION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. MATSUI. Madam Speaker, I was unavoidably absent from the House chamber for rollcall vote 1044. Had I been present, I would have voted ''aye.''

HONORING GEVORK ARZOUMANIAN A SURVIVOR OF THE ARMENIAN GENOCIDE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Gevork Arzoumanian, a resident of Glendale, California and a survivor of the Armenian Genocide. Mr. Arzoumanian was born in 1907 in the village of Sulduz, modern day Naghadeh, northwest Iran, bordering the Republic of Turkey.

The children's cries and the groans of the elderly still haunt Gevork today, 92 years after the atrocities. His lips quiver and his hands shake when he retells those bitter memories to his grandchildren.

Once the Ottoman forces had begun their massacres and deportation of the area's Christian Armenians and Assyrians, Gevork's family marched toward the village of Rezaiye (Orumieh province) leaving behind their home and cotton farm. Along the way, Gevork witnessed the murders of his father (Arzooman), mother (Arpik), sisters (Asdghik and Satenik) and brother (Ashod). As a young boy, Gevork also witnessed the pillage of people's houses, the stealing of young girls and the horrible game of Ottoman Turkish soldiers throwing infants in the air and catching them with their swords. Those who survived the brutality ended up in the city of Hamadan, Iran and were divided into two groups; one would be headed to Beirut and the other to Tehran. Gevork was in the latter. He was taken to the St. George Church, temporarily cared for by an Armenian couple, who later sent him to the city of Babol by the Caspian Sea, where he was cared for by Mr. Garegin and Verjin Harotoonian. He later became a truck driver.

Mr. Arzoumanian has lived through an incredibly difficult period in history. Nevertheless, he worked hard and persevered. In 1940, Gevork married Laura and had two children, a

daughter, Marda and a son, Norik. Gevork is thankful that after all that happened to the Armenians at the turn of the 20th century, Armenia is now an independent country.

I am proud to honor Gevork Arzoumanian of California's 29th Congressional District and I ask all Members of Congress to join me in paying tribute to this inspiring individual and honor all victims of the Armenian Genocide.

TRIBUTE TO PEPE DeLAPPE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable activists and a conscience for social justice, the artist Pepe deLappe. Pepe died of a stroke last month, at the age of 91, leaving an enduring legacy to the people of the San Francisco Bay Area, across North America, and throughout the world.

Admired by artists, art students, collectors and museums; loved by her family and colleagues; and appreciated by the disenfranchised, the underdog, and political progressives, Pepe devoted her life to social justice. She used her considerable talents to champion the causes of the working class and the needs of society's cast-offs.

''She was always on the side of the downtrodden,'' said her daughter, Nina Sheldon. ''She spent her whole life dedicated to civil rights and to social movements.''

That her social activism melded with her artistic conscience into an exotic bohemian life had its genesis around 1931, when she was 14. She became friends with the artist Frida Kahlo and her husband, Diego Rivera, when he was commissioned to paint murals in San Francisco. Pepe became part of Kahlo's drawing circle, where, she once said, she was treated as a total equal, despite her young age.

This experience, along with her father's permission to discontinue regular school, encouraged Pepe to travel to New York a year or so later to attend art school. She returned to San Francisco at age 18, a legal adult, and joined in the city's maritime strike, an event which had life-changing consequences to her, as well as to those involved.

If the history of a war is written by the victor, then the history of a people is written—and portrayed—by its artists. Pepe did a series of paintings of the longshoremen who participated in the strike—paintings which still hang in the San Francisco headquarters of the International Longshore and Warehouse Union. From that time until only weeks before her death, she captured poignant, comic and disparate emotions and the conditions that gave rise to them. Depicting the lives of the ordinary and extraordinary people of the working class or on the fringes of society, Pepe expressed not only the history of the time, but the social mores of a culture.

But paintings, cartoons and lithographs were not Pepe's only media of expression. She also worked with words and spent many years of her life as an editor and writer for local ''alternative'' newspapers, including People's World, published by the Communist party.

Although she eventually parted ways with that dogmatic organization—by mutual agreement, she once quipped—she never lost interest in current affairs and politics, mostly recently holding up a sign as she sat in a wheelchair at a rally to protest the U.S. occupation of Iraq.

At age 74, Pepe fell in love with long-time friend and fellow painter Byron Randall. The two spent the rest of their lives in Petaluma, where Pepe remained involved in politics and the artistic life. In fact, when she died last month, some of Pepe's works—many of which are owned by major museums and institutions, including the Library of Congress and San Francisco's Palace of the Legion of Honor—were being showcased in an exhibition at the Huntington Museum in San Marino. Titled Pressed in Time, the exhibit features a taped interview with Pepe.

Madam Speaker, it is impossible to contain the life of such a woman in two short pages.

But for those of us who knew Pepe deLappe, these words are only shorthand to the memories of her long, successful and influential life as an artist, activist, and idealist who, in her own words, ''refused to take life lying down.'' The world needs more people like Pepe deLappe. She will be greatly missed.

CELEBRATING GEORGE WASHINGTON HIGH SCHOOL'S VETERANS HISTORY PROJECT PARTICIPATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate George Washington High School in the city of Philadelphia, PA, on their outstanding participation in the Veterans History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the library. In addition, a web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize George Washington High School's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

CONFERENCE REPORT ON H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the FY 2008 Labor-HHS Conference Report which—together with this year's Military Construction-Veterans Affairs spending bill—announces an important new direction regarding the Nation's priorities.

We start with our most basic investment: education. Today's conference report increases education funding by $4.5 billion over the President's request—including an additional $254 million for Head Start so more children can access a high quality early childhood education; $600 million more for No Child Left Behind to improve teacher quality, enhance after school programming and deploy 21st century classroom technology; an $800 million boost for special education; and a new $2 billion investment for higher education which will enable us to significantly increase the current value of the maximum Pell Grant from $4,310 to $4,925. Additionally, I am very pleased that the final conference report contains $12 million for Teach for America, one of our Nation's premiere teacher training programs.

Because we are competing in a rapidly changing global economy, and because education is in truth a lifelong process, this conference report also makes responsible investments in job training and vocational education—$609 million over the President's request for workforce development; another $606 million for vocational education; and $98 million on top of the President's request for Job Corps and the vital training, placement and support services it provides.

On health, today's legislation wisely rejects the President's proposed $480 million cut at the National Institutes of Health, NIH, in favor of a $1.4 billion increase over the President's budget so that the NIH can continue its cutting edge research into deadly scourges like cancer, Alzheimer's and heart disease. This additional funding—representing the cost of just 3 days in Iraq—will fund over 1,400 more research grants into these and other life-threatening illnesses. Furthermore, in an effort to address the plight of the Nation's 47 million uninsured, this legislation enhances health care access by investing $1.5 billion into community health centers, state health care access initiatives and high risk insurance pools.

Together, these investments will serve over 1.5 million citizens without health care coverage in the coming year.

Finally, Madam Speaker, Sunday is Veterans Day. With our Nation at war, this conference report honors our brave men and women in uniform by proposing the largest single increase for the Department of Veterans Affairs in the institution's 77-year history. The $43.1 billion this legislation appropriates will enable us to provide quality care to 5.8 million patients, add 1,800 processors to tackle the outstanding backlog of 400,000 claims, and invest in needed treatment for increasingly prevalent conditions like traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD. It is the least we can do—and now is the time for us to do it.

Madam Speaker, these two bills both passed the House with strong, bipartisan majorities. Together, they set the right priorities for America. They comply with our five-year balanced budget plan. And they deserve our support today.

WATER RESOURCES DEVELOPMENT ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2007

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for overriding the President's misguided veto of the Water Resources Development Act.

This bill is long overdue. The projects funded in this bill are critical to the health, safety and quality of life in our communities around the country. This bill is necessary to better protect Americans against severe weather and flooding—and also ensure all Americans have access to clean, safe drinking water.

The President's veto of WRDA is another example of misplaced priorities. We continue to spend $10 billion in Iraq, but won't spend the money necessary to make sure we never have another Katrina. This bill is about saving lives. In my district we have perchlorate contamination in much of the drinking water. H.R. 1495 invests money in researching and solving this problem—because no parent should ever have to worry that their child is going to get sick from drinking tap water.

I urge my colleagues to cast a vote to keep America safe and healthy—and override this mistaken veto.

TRIBUTE TO DR. RICHARD SHEEHAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Dr. Richard Sheehan on the completion of his 50th marathon by the age of 70. Dr. Sheehan reached this goal at the Marine Corps Marathon in Washington, DC. An impressive achievement for anyone but even more so for this 70-year-old dentist from Orchard Park, NY, who didn't start competing in marathons until 1986.

A self-proclaimed "accidental runner," Dr. Sheehan began running at the age of 48 when a grieving family member needed his support. With only 8 weeks of training before reaching the starting line for his first Marine Corps marathon, Dr. Sheehan helped his brother-in-law through a difficult time while discovering his love for long-distance running. After completing more marathons, Dr. Sheehan set a long range goal of completing 50 races before turning 70.

This determined dentist has now run 12 Marine Corps races, completed marathons in Buffalo and Niagara Falls, as well as Cleveland and Chicago, and once, in Boston.

Running is a family event for the Sheehans, and 16 family members and friends joined Dr. Sheehan in DC for the occasion. This is the 10th year in a row that Dr. Sheehan has participated in the Marine Corps Marathon but none, I'm sure, as memorable as this one in which four of his children ran portions of the race with him as he completed number 50.

Congratulations and best wishes for continued success to Dr. Dick Sheehan for setting and reaching his goal. What began as a run to help a family member has become a remarkable accomplishment that should inspire us all to pursue our goals with devoted persistence.

QUESTION OF THE PRIVILEGES OF THE HOUSE

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2007

Mr. UDALL of New Mexico. Mr. Speaker, the framers of our Constitution empowered the U.S. House of Representatives to impeach the President in cases of "treason, bribery, or other high crimes and misdemeanors." They gave Congress a sacred responsibility to check the power of the President in order to preserve the liberty of the American people. With this responsibility came an equally important obligation to use congressional power only to advance the interests of the Nation. I am not convinced that an impeachment proceeding is in America's best interests at this time. That is why I recently voted to give the House Judiciary Committee time to substantively consider the articles of impeachment before bringing them before the full House for debate and a vote. At a time when Congress has so much work to do to repair the damage caused by this administration, Congress will best serve the American people by focusing our efforts on ending the war in Iraq, protecting civil liberties from executive overreaching and passing needed legislation to move America in a new direction.

With a little over a year left in office, attempting to bring impeachment charges against President Bush, or Vice-President CHENEY, at this point, would prove counterproductive to the aggressive agenda our new majority in Congress has put forth. With many issues needing attention, Congress should focus on implementing the agenda the American people elected us to pursue.

As part of the new agenda, the 110th Congress has begun to do what the previous Congressional leadership would not do, and what many in this Congress still refuse to do: Stand up to this President. Under Representative HENRY WAXMAN, CA, the House Oversight and Government Reform Committee has launched more than two dozen investigations of Bush administration actions. The committee's 75 investigators have probed everything from the behavior of contractors in Iraq to the politicization of the Federal Government here at home. Congress's efforts have already led to needed reforms in a variety of executive branch programs.

You may recall that in late July, it became apparent to me that Attorney General Alberto Gonzales's contradictory statements and actions raised serious concerns about his integrity and his respect for civil liberties. At the same time, Bush administration stonewalling was making it impossible for Congress to fully investigate Gonzales and restore America's respect for the Justice Department. On July 31, 2007, I joined with other former prosecutors serving in the U.S. House in calling for an investigation to determine whether Gonzales should be impeached. At the time, I believed investigation and, potentially, impeachment by the Congress provided the only way to hold Gonzales accountable.

In August, Alberto Gonzales did something he should have done long before: He resigned. His resignation provided needed change at the Justice Department, but it did not provide the answers that the American people demand and deserve. Congress still has an obligation to determine the legality of Gonzales's confusing, conflicting and misleading actions and statements. Just this week, Representative JOHN CONYERS, MI, took another step towards getting the truth about the Justice Department's actions under Gonzales. CONYERS demanded the White House release key information regarding the Justice Department's firing of Federal prosecutors or face a congressional contempt citation. I and my colleagues will do everything in our power to compel the White House to cooperate with our investigation. I will continue to work with my colleagues to uncover the truth about the Gonzales Justice Department and its treatment of Americans' civil liberties, and I will fight to hold this administration accountable.

While Congress exercises its oversight role, we must also support a framework of laws that protects Americans from violations of our liberties and our right to privacy. I have always defended civil liberties. In 2001, I joined just 65 of my colleagues in standing up to post-9/11 fearmongering and voting against the USA PATRIOT ACT. I have cosponsored legislation to restore the right of habeas corpus and undo the Military Commissions Act. And, most recently, I opposed changes to the Foreign Intelligence Surveillance Act, FISA, that would have given this administration more power to spy on Americans.

The Bush administration has done real damage to the United States through its policies and its executive actions. Congress must respond in the manner that will most effectively protect the American people and promote the interests of our country. We have begun to rein in the president and restore integrity to the Federal Government. We will continue to do so.

CONGRATULATING ST. GERMAINE CATHOLIC SCHOOL FOR THEIR SELECTION AS A NATIONAL BLUE RIBBON SCHOOL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor St. Germaine Catholic School of Oak Lawn, Illinois as they are recognized by the U.S. Department of Education as a prime example of excellence in education.

Since the establishment of St. Germaine Parish by Fr. Walter Sheridan in 1962, education has been a priority for this community. With the diligent support of the Sisters of the Presentation, the parish school opened in 1964 and began a tradition of exceptional education in not only academics but also the teachings of faith.

In the years since its founding, St. Germaine has consistently been noted for its achievement in bringing quality education to its students. On October 2, 2007, St. Germaine was designated a national Blue Ribbon School by the U.S. Secretary of Education, Margaret Spellings.

This distinguished award, given to those schools that are either academically superior or have demonstrated dramatic gains in student achievement, was presented to only 287 schools throughout the country. This award places St. Germaine in the top 10 percent of our Nation's schools.

Madam Speaker, I rise today to commend St. Germaine Catholic School on this extraordinary achievement. I am proud to have in my district a school that does so much to produce the educated and moral citizens who will lead our Nation in the future.

EXPRESSING SUPPORT FOR H.R. 760, THE ''FILIPINO VETERANS EQUITY ACT OF 2007''

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. ABERCROMBIE. Madam Speaker, I rise today to express my deep support for H.R. 760, the ''Filipino Veterans Equity Act of 2007.''

The treatment of Filipinos who fought with the United States Armed Forces in World War II is a dark chapter in American history. The Philippines became a United States possession after Spain ceded it as part of the treaty ending the Spanish-American War in 1898. In 1934, Congress created a 10-year time frame for independence through the ''Philippine Independence Act.'' However, since the Philippines remained a colonial possession until 1946 the United States retained the right to call upon military forces organized by the Philippine Government into the United States Armed Forces.

On July 26, 1941, President Franklin D. Roosevelt issued a military order that brought the Philippine Commonwealth Forces under the control of the United States Armed Forces during World War II. These men bravely fought with our own troops during the war, and many perished or suffered severe wounds from the battles in the Western Pacific Theater. After the surrender of Japan, Congress required the Philippine Forces to continue their service. Many helped occupy lands, many oversaw military operations, and many made the ultimate sacrifice to secure our victory in World War II. Yet, when wartime service ended formally in 1946 they did not receive the same benefits and the same treatment as other American soldiers.

Yet, for all their heroic and courageous actions, Congress passed the ''Recession Act'' in February 1946, to the objection of many, including General Macarthur. This essentially denied Filipino Veterans any of the benefits that their American comrades in arms received; including full access to veterans' health care, service-connected disability compensation, non-service connected disability compensation, dependent indemnity compensation, death pension, and full burial benefits. No other group of veterans has been systematically denied these benefits.

Congress has the opportunity to right this wrong. H.R. 760 restores the benefits these brave warriors were denied. This legislation has been introduced since 1992. However, time is running out. In September 2000, the Department of Veterans Affairs (VA) estimated that the number of surviving Filipino Veterans is 59,889. However, by 2010, VA estimates that their population will dwindle to just 20,000, because of their advanced age.

Many argue that paying for Filipino veterans is not something Congress should undertake, because they are not U.S. citizens, and that the PAYGO offsets takes money away from Americans. However, such a statement fails to recognize that Filipino veterans served not merely as allies, but as U.S. forces. It fails to recognize that the United States made the same promise to provide for these veterans' needs as it does to any other person who serves in uniform; a promise that we have, up to now, failed to uphold.

Congress must act now for the sake of justice and to show that we Americans truly appreciate the sacrifice these men made. Let us remember the heroism of these veterans by honoring their service and fulfilling our commitments to them. I urge the House to consider and pass this important measure.

WATER RESOURCES DEVELOPMENT ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2007

Mr. TIAHRT. Mr. Speaker, we must help ensure our communities are protected during times of severe flooding that can lead to loss of life and destroyed homes and businesses. This summer we have witnessed devastating floods all across America, including in central and eastern Kansas. Thousands of my constituents lost their homes and their businesses, many of which have not yet fully recovered.

The Water Resources Development Act of 2007 (H.R. 1495) authorizes many new projects that will afford our communities protection from catastrophic flooding for generations to come. It will also help ensure that existing flood control structures are properly cared for so our economy can continue thriving in areas currently protected from floods. We must prepare for the future rather than merely respond to disasters after they occur. Prevention is much better than responding to a natural disaster, especially when loss of life occurs.

A WRDA bill has not been enacted for the past 7 years, which helps explain why the price tag is so significant. While I would have preferred to see a less expensive authorization bill, I believe it is time we move forward with many of the needed flood control projects included in H.R. 1495.

Having witnessed the severe flooding in my district this year, I am reminded of the critical need for flood prevention that saves lives and protects communities. I have seen first-hand what a flooded community looks like when adequate flood control is not provided. And I have seen how well Corps of Engineers levees have worked to keep high floodwaters out of homes and businesses.

This is why I support overriding the President's veto. I would have preferred for a compromise to be reached with the Administration; but in this instance, we need to move forward without further delay in the process. Protecting our homes and businesses from flood waters is a bi-partisan priority that trumps Washington politics.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. CARTER. Madam Speaker, on November 6, 2007, I was unable to be present for two rollcall votes due to technological complications with my vote notification system.

If present, I would have voted accordingly on the following rollcall votes: roll No. 1044—''nay,'' and roll No. 1045—''aye.''

CELEBRATING PHILADELPHIA-MONTGOMERY CHRISTIAN ACADEMY'S VETERANS HISTORY PROJECT PARTICIPATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Philadelphia-Montgomery Christian Academy in Springfield Township, PA on their outstanding participation in the Veterans History Project of the Library of Congress. Students and teachers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these students and teachers in Congress.

The Veterans History Project preserves the legacy of those who have served through the

establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a Web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean Veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize Philadelphia-Montgomery Christian Academy's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and old, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

ANSWERING THE CALL IN THE WAKE OF TROPICAL STORM NOEL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. RANGEL. Madam Speaker, I rise to seek my colleagues' help with the humanitarian crisis in the Dominican Republic, Haiti, Mexico, and the Bahamas, whose devastation many have compared to Hurricane Katrina.

Last week, Tropical Storm Noel became the deadliest storm of the 2007 hurricane season, responsible for at least 140 deaths throughout the Caribbean. Flooding and mudslides caused by the heavy rainfall led to the displacement of more than 80,000 people and isolated small towns and villages in the Dominican Republic, Haiti, Mexico, and the Bahamas.

The track of this deadly storm brought back those poignant reflections of how helpless we felt when Katrina hit, how frustrated we were at not being able to help, and the lessons we learned from that storm. Yet now a new storm has come with the same intensity and devastation and we have a chance to do something about it.

Our Government is beginning to respond. This past weekend, three U.S. Coast Guard helicopters began conducting search and rescue operations and assisted with aerial assessments of affected areas to determine needs. The Defense Department has sent helicopters and personnel to the Dominican Republic and Peace Corps volunteers in the country have been dispatched to affected areas to help.

In all, the United States Government has contributed over $350,000 directly to the Dominican Government, $200,000 to the Pan American Health Organization and $100,000 to Catholic Relief Services, CRS, and World Vision for the local water, shelter materials, and other emergency relief supplies. Our Government has also provided, through U.S. Agency for International Development and the Office of U.S. Foreign Disaster Assistance, an additional $500,000 for emergency relief supplies, water, sanitation, and hygiene support, and other emergency relief activities.

Yet more help is needed. The U.N. reports that 40 percent of the water distribution system and 60 percent of the country's 122 aqueducts have been damaged. Public shelters and medical facilities are reaching their maximum capacity, while sanitation conditions are deteriorating and relief supplies are quickly running out.

It's true that we can't fly the helicopters and we can't distribute the water. But there are a lot of other ways in which we can help. We here in Congress can make sure that our Government does not stray from these initial commitments and that bureaucratic red tape does not impede the transportation of supplies to the areas hardest hit. We can also appeal to constituents in our own home districts to give to the local charities that are involved in this effort, like the Red Cross or Catholic Charities.

We must not forget that our country's strength lies not just in size of our military, but also in the depth of our compassion. Whatever people can give—from hard cash to canned goods to clothes—will help lift and restore the lives of the victims of this terrible tragedy. Any effort will go a long way to relieving the suffering that continues to be felt by our friends and neighbors.

CELEBRATING THE PEAK CENTER'S VETERANS HISTORY PROJECT PARTICIPATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Peak Center in Lansdale, PA on their outstanding participation in the Veterans History Project of the Library of Congress. Community volunteers have contributed their time and skills to preserving the remarkable experiences of our war veterans from all service branches, from World War I to the present day Iraq War, as well as the civilians who supported them. I am privileged to represent these volunteers and staff in Congress.

The Veterans History Project preserves the legacy of those who have served through the establishment of a permanent national collection, housed in the Library of Congress, of videotaped and recorded interviews, written memoirs, and wartime letters, diaries, and photographs. Stories and materials are available to anyone visiting the Library. In addition, a Web page is created for each veteran who contributes an interview.

As our Nation's World War II and Korean veterans grow older, it is critical that we record their stories. Their experiences offer a priceless window into their dedication and love of country. As the daughter of a Korean War veteran, this effort has special personal meaning for me. We have much to learn from those who have served our Nation, and I wholeheartedly support this important project.

On this Veterans Day, November 12, 2007, I am proud to recognize the Peak Center's Veterans History Project participation at a special event, Preserving Their Stories: A Salute to Veterans History Project Volunteers, at the Hiway Theatre in Jenkintown. This special celebration will bring together Americans, both young and older, with veterans of all ages, to honor their common service to their fellow citizens and country.

Madam Speaker, once again I congratulate all of the Veterans History Project participants for their contributions to capturing the experiences of war veterans, thus honoring the lives and contributions of these extraordinary Americans.

CONGRATULATING JAMES HILL ON RECEIVING THE FRENCH LEGION OF HONOR

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to congratulate James Hill, an 83-year-old service veteran from Elora, Tennessee. When Napoleon Bonaparte created the French Legion of Honor in 1802 to recognize service to the Nation of France, he could not have imagined that the newly formed United States of America would come to the rescue of his then empire nearly one and a half centuries after its creation.

Yesterday, President Nicolas Sarkozy of France came to Washington to present the distinguished French Legion of Honor to six American veterans from the Second World War to honor and thank them for their sacrifice in the liberation of France from Nazi Germany. I am pleased to know that James Hill was among them.

It was June 6th, 1944 that the battle of Normandy began, bringing James and other members of the Army's 116th Infantry unit to Omaha Beach for one of the defining moments of the War, and our Nation's history. James was wounded in the battle and spent three months in a British hospital, only to return from his injuries to fight in the Battle of the Bulge.

While the loss of life on all sides was immense, our Country will forever remember the Second World War as a defining point in our history. Before the War, the American military machine was not what it is today, but we stood together as a Nation nonetheless, with the Allied powers around the world, to fight for the freedom of our neighbors and ourselves. I could not be prouder of what men and women of courage like James Hill have done for our Country, or more pleased to see that James was awarded this prestigious honor.

I would like to ask my colleagues today to join me in recognizing James Hill for what he did to defend the people of France, the United States and freedom across the globe.

DONALD AND ELEANOR REGAN BARRETT, UNITED STATES VETERANS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. POE. Madam Speaker, several months after his 18th birthday, Donald Barrett joined the United States Marine Corps at a time when his country needed him most. When he enlisted, it was just weeks after the attack on Pearl Harbor, the beginning of World War II.

During his military career, Donald served the United States of America at Guadalcanal, New Guinea, Cape Gloucester and Peleliu.

For his exemplary performance during his more than 4 years of military service, Donald was awarded the Bronze Star Medal with Combat V, the Purple Heart, the Marine Corps Good Conduct Medal, two Presidential Unit Citations and four combat ribbons.

Donald married his wife Eleanor Regan in 1947. She too bravely served her country in WWII as a member of the United States Marine Corps Women's Reserve.

Later, Donald graduated from the University of Baltimore in 1952 with a Bachelor of Science Degree. He later received his Master of Business Administration from the University of Dayton.

During his professional career, Donald retired from the Frigidaire Division of GM, from White Consolidated and from Don Barrett Associates, Consultants.

Today, Donald and Eleanor have six children, eight grand children and three great grandchildren.

The Houston West Chamber of Commerce has chosen to recognize both Donald and Eleanor for their dedication to the United States of America. Corporal Don Barrett and Sergeant Eleanor Reagan Barrett have been awarded the Chamber's ''Heart of Service Award'' for their distinguished military service.

I would like to recognize Donald and Eleanor for being members of the Greatest Generation, who selflessly served to protect our country in a time of war.

The upcoming Veterans Day is a time to honor all of the brave men and women who have so proudly worn the military uniform, especially those who served in the Great World War II. Donald and Eleanor deserve the thanks of all Americans because these individuals chose to protect freedom for the rest of us and made the United States of America the best country in the world.

And that's just the way it is.

HONORING TRIETSCH MEMORIAL UNITED METHODIST CHURCH VETERANS MEMORIAL PLAZA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. BURGESS. Madam Speaker, I rise today to honor one of the churches in my district, Trietsch Memorial United Methodist Church in Flower Mound, Texas, which will hold a Veterans Memorial Plaza Dedication on Sunday, November 11, 2007.

A group of members from the church once envisioned a place to honor friends and family members that have served their country in the armed services as well as veterans from their community. Now, thanks to their hard work and commitment, that vision will soon become a reality.

The design of the Memorial is a lasting tribute to veterans' achievements and sacrifices on behalf of their grateful communities. The beautiful centerpiece is an obelisk surrounded by flags representing the United States, the State of Texas, and the Armed Forces. The Memorial serves as a place of prayer for peace, and as a symbol of eternal hope for all of the men and women who continue to serve and sacrifice. It recognizes the innumerable accomplishments of our military and forever commemorates their endeavors as servants of our great nation and also the State of Texas.

The Veterans Memorial Plaza is an accomplishment that I and everyone in the 26th District of Texas can look upon with pride. I offer my congratulations to Reverends Jim Ozier, John Allen and the members of Trietsch Memorial United Methodist Church. It is my honor to represent them in Congress.

TRIBUTE TO THE LIFE OF NORMA ANDERSON LOFTEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. RANGEL. Madam Speaker, I rise to pay tribute to Norma Anderson Loften, who passed away on November 1, 2007, in her hometown, Beaumont, Texas, at the age of 76.

Ms. Loften was a dear friend who personified all the values that we cherish as Americans: a deep and abiding religious faith, devotion to her family, compassion for those in need, and a commitment to education and hard work.

I first met Norma and her late twin sister Erma when I was a teenager growing up on Lenox Avenue in Harlem, New York City. They had moved there from Texas to attend the St. Aloysius Catholic boarding school for girls. The religious nuns who ran the ''school considered me a ne'er do well, but the twin sisters accepted me and I became a ''lifelong friend of theirs and their family.

Norma studied hard and went on to a long career as a dental hygienist in New York, retiring from Mt. Sinai Hospital in 1995. Her avocation was music, which she studied for many years, to became a talented pianist. With her husband Maurice Loften, she had three accomplished sons, the late Dwight, who had been an accountant in Washington, DC; Rodney, a school superintendent in New Jersey; and Kevin, chairman of the American Hospital Association.

She is also survived by her beloved mother, Cora Anderson, wife of the late Rodney Anderson, who remains in Beaumont, Texas at the wonderful age of 98.

Her loving brother, Charles Anderson, retired from the U.S. Air Force, also resides in Beaumont. His children, the late Vanessa; Francesca; Charles, Jr.; Gina; and Robert were all devoted to their loving aunt, Norma.

God has given the Anderson family an extraordinary faith and unchallenged belief in his wisdom. Therefore I pray that at this painful time when their beloved Norma has been called home, they will take comfort in the belief that this is God's will. I hope that in the midst of their sadness and helplessness, they will be encouraged by the beautiful memories of her great love and caring spirit.

Madam Speaker, I call on my colleagues to join me in recognizing this wonderful American family and biding farewell to Norma Anderson Loften.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unavoidably detained and missed rollcall vote No. 1044 on Monday, October 15, 2007.

However, had I been present, I would have voted ''aye'' on H. Res. 794, Providing for consideration of the conference report to accompany the bill, H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies.

PROVIDING FOR CONSIDERATION OF H.R. 3043, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 2008

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise in strong support of this conference report, including the Labor, Health and Human Services, Education appropriations bill and the Military Construction/Veterans appropriations bill.

I am here to represent the 4th district of Minnesota—that's my job. And my district has made it very clear to me that investing in our communities is a priority.

In fact, most members of the House of Representatives have said they support both of these bills. But there has been a lot of complaining about the process.

I'm a former civics teacher. Part of my work was to teach my students about the separation of powers between the legislative and executive branches of our government.

For those watching today, I want to be very clear about the issues in this debate and the procedure that got us here.

We are in this position because the Administration has adopted a ''my way or the highway'' approach to governing. The President has steadfastly refused to recognize the constitutional role of Congress in setting our Nation's budget priorities.

And he has ignored the clear message sent by the American people in the last election.

Democrats disagree with the President's priorities. The President proposed to cut education funding. His budget cut special education, teacher training, and Head Start. It also

eliminated several programs targeted for at-risk students.

Democrats have rejected those cuts and proposed a modest increase in order to keep our students competitive in a global economy.

The President's budget cut funding for health care. We do not agree with reducing opportunities to find life saving cures through research or reducing access to quality care for American families.

The President proposed cuts to job training and vocational education. Democrats understand that our economy is changing, and that investing in our greatest resources—working families (including veterans)—is important today and tomorrow.

Madam Speaker, the amount of money that separates the President's budget and the Democrats' proposal is approximately what we spend in 1 month in Iraq—and all of that is on a credit card.

In addition, this bill includes the largest increase in veterans' health care since the beginning of the Veterans Administration.

If we say we value families and communities—and veterans—in America, then surely we can agree that a modest investment in our future is reasonable.

Let's put politics aside, let's listen to the American people, and let's pass this bill. Let's do our jobs.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. CUMMINGS. Madam Speaker, on November 5, 2007, due to personal obligations, I missed the following recorded votes:

Roll No. 1034, on the Motion to Close Portions of the Conference Making Appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; had I been present, I would have voted ''aye.''

Roll No. 1035, on H.R. 513—The National Heroes Credit Protection Act; had I been present, I would have voted ''aye.''

Roll No. 1036, on H. Res. 744—Recognizing the contributions of Native American veterans and calling upon the President to issue a proclamation urging the people of the United States to observe a day in honor of Native American veterans; had I been present, I would have voted ''aye.''

HONORING THE LIFE OF SERGEANT BRYAN TARSITANO

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of Pinellas County Sheriff's Sergeant Bryan E. Tarsitano. Bryan Tarsitano was born to proud parents, Bonnie and Bob Tarsitano, on February 21, 1972, in Park Ridge, Illinois, and grew up along with his sister, Janelle, in the Chicago area. The Tarsitano family moved to Clearwater, Florida in 1983, and Bryan graduated from Countryside High School in 1990.

He went on to graduate with a bachelor of science degree in criminology from Florida State University where he was an avid Seminoles fan. This degree served as a stepping stone for Bryan's illustrious career in law enforcement. In 1996, Bryan Tarsitano was hired by the Pinellas County Sheriff's Office as a deputy sheriff. His star quality was obvious to his superiors and he was soon appointed as a Field Training Officer—a leadership role that had him mentoring new recruits.

As Bryan Tarsitano continued to excel in his career, the most important part of his life was also blossoming. Mr. Tarsitano met and fell in love with Carolyn Milanese. The two were married on October 28, 2000, and were blessed with the arrival of their beautiful daughter, Angelina Marie, on August 9, 2002.

Angelina was the apple of Bryan's eye. Father and daughter were inseparable. When Bryan Tarsitano wasn't serving and protecting the citizens of Pinellas County, he could be found in the park playing with Angelina or watching their favorite movies together.

While a devoted husband and father, Bryan Tarsitano was also the best law enforcement officer in every sense of the word. In 2001, Bryan became a detective. As a detective for 6 years, Tarsitano was able to help hundreds, if not thousands, of victims with his keen intellect and crime-solving ability.

Bryan Tarsitano had the honor of being promoted to Sergeant on January 14, 2007 and served with distinction until his untimely death on May 24, 2007. During his 11 years with the Pinellas County Sheriff's Office, Sgt. Tarsitano was a shining star who earned numerous medals, awards, and commendations. His loss has been, and will continue to be felt, both at the Sheriff's Office and in the community at large.

Madam Speaker, while we mourn the sudden and unexpected passing of Sgt. Bryan Tarsitano, I rise today to celebrate his life. For what Bryan accomplished during his short time on earth, is what most fail to do in a full lifetime. While Sgt. Tarsitano has left an impressive legacy with the Pinellas County Sheriff's Office, his enduring legacy is the beautiful wife and daughter he has left behind.

Madam Speaker, I pray for his family and salute Sgt. Tarsitano for a job well done.

RECOGNIZING LIEUTENANT COLONEL BRIAN E. ALBERT

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to recognize the contributions and achievements of Lieutenant Colonel (LTC) Brian E. Albert, and his 21 years of service to this country as a decorated officer in the United States Army.

LTC Albert began his noteworthy military career in the Ohio National Guard in June 1983. In 1986, he enrolled in the Reserve Officer Training Corps (ROTC) program at Ohio University. He was commissioned a Second Lieutenant on January 15, 1987, then was assigned to the Army Chemical Corps and began training at the Chemical Officer Basic Course (COBC). Always striving for advancement, he completed the COBC training and applied for, competed and won an active duty appointment with the Commandant's program.

Upon graduation from COBC, LTC Albert was assigned to the 1st Battalion, 32nd Field Artillery, in Hanau, Germany. During this assignment, he served as the Battalion Chemical Officer, HHB Executive Officer, and the Battalion S–1.

Within 2 short years, LTC Albert had already completed three rigorous training programs and won a prestigious appointment setting the tone for numerous awards and accolades including the Bronze Star Medal, Meritorious Service Achievement Medal (w/two OLCs), Army Commendation Medal (ARCOM), Army Achievement Medal (w/two OLCs), National Defense Service Medal (NDSM), Global War on Terrorism Service Medal (GWOTSM), Army Reserve Commendation Medal (ARCOM), and the Parachutist Badge. He is a distinguished member of the Order of Saint Barber (Field Artillery) and the Order of the Dragon (Chemical) military societies.

LTC Albert continued to enhance his portfolio completing the Chemical Advanced Course in March 1992. Over the next several years LTC Albert would continue his education completing a masters degree in human resource management from Central Michigan University in June 1999. LTC Albert's distinctive service also extends beyond the classroom. After completing the Army's Command and General Staff College (CGSC) in June 2000, he was assigned to the 3rd Infantry Division at Fort Stewart, GA. While serving as a Brigade Operations officer, his Division was deployed in December 2002 to Kuwait in support of Operation Enduring Freedom. He would go on to serve in subsequent combat operations in the gulf as his Division fought with distinction during Operation Iraqi Freedom.

After returning from Iraq, LTC Albert was assigned to the Office of the Assistant Secretary of Defense (OSD), Counter Proliferation Policy office. He continued to excel coordinating key changes to research and development legislation for critical chemical and biological defense programs. He also made invaluable contributions in the establishment of NATO's first multinational nuclear, biological, and chemical defense battalion.

Throughout his illustrious career, LTC Albert served in several integral command and leadership roles such as Company Commander for the 91st Chemical Company, Field Grade Assignments Officer, Assistant Division Chemical Officer, Battalion Training Officer (S–3) for the 703rd Main Support Battalion, Brigade S–3 for the Division Support Command (DISCOM), and Assistant to the Secretary of Defense for counter proliferation policy.

LTC Albert concludes his distinguished military career with his final assignment to the U.S. Army Special Activity Management Unit located in Dunn Loring, VA. He contributes the success of his career to a merciful God and the loving support of his wife of 20 years, Tonya, and two children, 17-year-old Brandon and 11-year-old Kristen.

LTC Brian Albert, I stand in solidarity with your comrades, family, and friends as we salute you for your service and your excellence in the United States Army. May the Lord guide your steps as you transition into civilian life and continue to inspire new achievements.

HONORING THE BRAVERY OF WORLD WAR II VETERAN BERNARD RADER

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 7, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise to honor Mr. Bernard Rader, a true American hero who valiantly served this country in World War II. Today and everyday, we owe members of our military—soldiers like Bernard Rader and so many of his generation who faced grave danger in order to restore freedom and preserve the dignity of mankind, our sincerest debt of gratitude.

I had the privilege to first meet Mr. Rader in Normandy, France in 2004, on the 60th anniversary of the D–Day invasion. It was then that I first learned of this man's extraordinary story of survival and heroism. A Private First Class with the 30lst Regiment of the 94th Infantry Division, his unit was ambushed and forced to surrender to the Nazis in October 1944. As a Jewish soldier, he feared his fate as a prisoner of war. Surviving his imprisonment, Bernard was returned to the Allied forces in one of the few prisoner exchanges to take place between the Germans and Americans during World War II.

For service to his country and in recognition of his combat wounds, Bernard received the Bronze Star and the Purple Heart. On November 6, 2007, Bernard was personally thanked by French President Nicolas Sarkozy and awarded the Legion of Honor, in recognition of his sacrifice for the Liberation of France. I join the many in honoring Bernard Rader—this Nation remains indebted to his service.

Madame Speaker, I would like to offer Bernard Rader's powerful and personal story for the CONGRESSIONAL RECORD. I am submitting "The Ambush", an article published in the Hartford Courant, which chronicles Bernard's war experience and faithful return to France with his family 60 years later, as described by his son Robert Rader—who I'm proud to note is from Connecticut's First Congressional District. I urge my colleagues to join me in thanking Mr. Bernard Rader for his service to this nation and for sharing his heroic story with all of America.

[From the Hartford Courant, July 25, 2004]

THE AMBUSH

(By Robert J. Rader)

Dad and the two other veterans strained to pick out their comrades from the pictures of basic training at Fort McCain. ''Remember this one? What was his name?'' Their eyes, now 60 years older, strained at the fuzzy prints. ''Have you heard from Higgins or Schulman or Boyd recently?'' We were on a ferry from Lorient, on the western coast of France, to Ile de Groix. During World War II, the port of Lorient remained in Nazi hands till the day after Germany had surrendered. All three men had been imprisoned by the Nazis after being captured in an ambush in October 1944: two of them were held on the Ile de Groix, the third—Dad—on the mainland. The boat glided swiftly across the water. The day was overcast, with mist rising from the sea, but the sun would soon burn the mist off and, as we reached the island, break through. The three veterans—my father, Bernard I. Rader; Kermit Harden; and Bob Moore—sat on benches in the cabin and talked about the men who died. They remembered the food the French people sneaked to them at a time when few had much to feed their own families. And they talked about the young American Red Cross officer, Andrew Gerow Hodges, who had braved getting shot by mistake, either by the Germans or the Americans, to arrange one of the few prisoner exchanges on the Western Front in World War II. They dubbed their trip ''The Andrew Gerow Hodges Tour.''

The ferry nosed past a massive cement building that still contained submarine pens. The low-slung building, several football fields in size, had been built with walls 20 feet thick to withstand heavy Allied bombing. The weather-beaten structure was a monument to the slave labor that had struggled to build it with wartime speed.

This would probably be the last time the three veterans, all over 80, would make this trip to visit the countryside where their young lives had taken such a crucial turn. Many of their buddies who had wanted to come could not. Hodges was not in good enough health to make the trip. They would see the site of the ambush, where their patrol had come under fire and their comrades had been slain, and the places where they had been held prisoner. They would thank the French people for the help they gave them. They would converse again with the people of Ile de Groix, and leave a plaque expressing their thanks on the wall to the entrance of Fort Surville on the island, where Harden and Moore had been imprisoned for 47 days in 1944. They wanted to pay tribute to their five friends killed in the ambush by visiting the cemetery at St. James, where they rest forever. And they wanted to honor Hodges—without whom, they believe, they would not be alive today. They wanted to tell the story of what happened so many years ago and how he came to get them out. With those goals in mind, the three veterans and their wives and children had come back to Brittany. We family members listened as the men recounted their war experiences, as soldiers have done since long before World War II. Many veterans of that war, who are now dying off at the rate of over 1,000 a day, never talked to their families about what they had gone through. But Dad did not shy from discussing his war experiences. He watched World War II movies with interest (we knew if there was a swastika on the cover of a videotape we'd rented, he'd be interested), and, despite the stroke he suffered in 1999, has spoken at libraries, schools and other sites, telling his story and encouraging other veterans to tell theirs. Mom has been his main support, helping him in every way with these ''gigs'' and explaining what had happened when Dad could not find the words.

Dad was trained as an infantryman and made private first class by the time he shipped out to England on Aug. 6, 1944. After further training, his unit sailed on a Liberty ship for France, came ashore at Utah Beach on Sept. 3 and marched to Brittany. He served as a sentry there, helping to keep the Germans contained while the Allies pushed through France to Germany following the D–Day invasion. On the October day he and his unit set out on patrol, only to be ambushed and captured, he tasted combat for the first time. Dad began reacquainting himself with old buddies over the past few years, as he became more proficient than we ever thought he would be at email. He got in touch with a number of those who had been in his company and was contacted by others after I wrote up his story and posted it on the 94th Infantry Division's web site. I thought it was important for me to share this one last, great adventure with my parents. Curious about the war, and an amateur historian, I knew I had to tag along.

I expected that this would be an emotional trip. It did not disappoint. The ferry landed in the harbor at Ile de Groix, about five miles from Lorient. On this beautiful, green island the Germans had set up artillery to protect their position in the port. They had also set up a prison for captured soldiers. It is hard to believe that such a picturesque place would be ideal for a prison. But its remoteness from Allied troops, together with its closeness to the fortified mainland city, made it a perfect location for a prison, with virtually no opportunity for escape. The island had a far different mood on May 26 of this year, when our little tourist group boarded a bus to travel to a lane out in the country. The unpaved road, bordered by fields where flowers grew wild, had been renamed in honor of the 94th Infantry Division when Dad and some other veterans came here four years ago.

Our group of veterans and their families were joined by about 30 town officials, journalists, former members of the French Resistance and others. We walked about 100 yards down the lane and came to an area with ancient, weather-beaten walls on both sides. Ahead was the entrance to Fort Surville: a narrow archway the prisoners had been marched through 60 years ago. On one wall we noticed an American flag covering something on the wall. Strangely, it had 36 stars. The mayor explained that the flag had been sewn in 1944 by a Frenchwoman, whose daughter now joined us. It was to show support for what she hoped would be the eventual liberation of the island by the Americans. It was kept in the chimney of the house where the woman lived. She had no access to a real American flag, so had guessed at the number of stars. When a German was in her house and asked her what the colorful cloth was doing in the chimney, she said that it was used, like paper, to wrap meats that were being cured. Had the Germans known the truth about what she had done, she would certainly have been punished. The mayor made a speech, the first of many we would hear, extolling the amity between the French and American people. He gave thanks for what these soldiers had done in helping to liberate France. He then reached up and gently pulled the flag down, exposing the plaque the veterans had donated, and warmly presented the flag to the three veterans. They accepted it with some reservation. Their first thought was that it was such a wonderful work by an Ile de Groix citizen that it should stay on the island. But rather than taking a chance of insulting their hosts, they decided to bring it home and exhibit it in the Museum of the 94th Infantry at Fort Devens, Mass.

It was then the turn of the three veterans. They, too, talked about the friendship and love of Americans and the French. And they dedicated the plaque, which they had paid for and which my family designed and had made in France. It was black with gold letters, written in English, French and Breton, the language of the region. It was for those who had helped them by giving them apples, eggs and potatoes surreptitiously while they were held on this island. It read: ''To the people of Ile de Groix, who gave us so much, when they themselves had so little. Company K, 301st Regiment, 94th Infantry Division.''

The outpouring of love on both sides struck me as being in sharp contrast to what I had been hearing about the French and Americans since the U.S. decided to invade Iraq. We were feted no fewer than six times by representatives of local French governments. While I heard criticism of President Bush, there was no doubt in my mind that there still existed a love for the people who had returned freedom to them in 1944 and 1945. It seemed to me that we in the United States seemed to be quick to answer French policy on Iraq with mockery (remember

''Liberty fries?''), while the French people I met were gentle in counseling us about Iraq. As citizens of a country that has had its own problems fighting guerrilla wars in Vietnam and Algeria, they made their opinions known with a sense of deja vu. While Americans remember that we helped save France in World War II, maybe we forget that it was France that saved George Washington and the American rebels during our Revolution.

The many receptions we attended all featured champagne, some food (from a few crackers and cookies to a three-hour marathon lunch) and many local government officials. I found it great fun, especially trying to use my high school French to converse with the inevitably non-English-speaking people who would sit with us. I joked with my parents about how the French seemed to have such trouble understanding their own native language. We began to joke that certainly there would not be a day without a local reception and a picture in the local French newspaper of the three ancient combatants the next day. And believe me, we kidded the vets about being ''ancient combatants'' many times.

Dad had been held in the hospital in Lorient because of his wounds. We rose early one morning to visit it. Lorient held a key submarine facility for the Germans and was considered, along with two other ports, so hard to capture that the Allies contained it, instead of attacking it, from 1944 until 1945. The submarine pens were bombed without effect, so the Allies decided to make the city as uninhabitable as possible for the Germans. Their planes dropped 250,000 incendiary bombs on the city, destroying 90 percent of it. A young, pony-tailed French hospital worker gave us a tour of the bunker the Nazis built on the grounds of the facility to protect injured German soldiers and sailors. He then brought us up to the second floor of the hospital, where Dad, who had been hit by a concussion shell, had been nursed back to health. Because the hospital was being modernized, the wing where he had been held was empty of patients. The rooms were bare, but clean and painted in dull, institutional colors. It took awhile for Dad to recognize the room he had been held in so many years ago, but at last he did, and when he looked out the window, his memories flooded back. He remembered, he said, that the Germans were all around and that he couldn't leave the second floor. Outside there were more German soldiers, but there was also a Frenchwoman who saw him looking out the window. She must have known he was a prisoner, because she cupped her left hand and on it, with the fingers of her right, drew the Cross of Lorraine, the symbol of the Free French. It was a sign to my father that he and the handful of prisoners in the hospital were not alone. As he said, when he thanked the Lorient officials for their reception, that woman had given him something as important as food: She had given him hope.

I get chills when I hear that story. I imagine Dad, a wounded 20-year-old, unsure of what the future would bring, lying in a hospital, surrounded by Nazi soldiers. During the ambush, he had taken off his dog tags and his friend, George Boyd, had buried them, since they identified Dad as a Jew. In the hospital, he kept a picture of Jesus above his bed and was careful never to reveal his religion. That afternoon, we drove out to the town of Etel, which sits at the mouth of the Etel River, which back in 1944 was on the front line between the Allies and Germans. It was here that the exchanges of prisoners took place. The veterans again told the story of what had happened. Allied prisoners held by the Germans had gotten word through to U.S. forces that they had nothing to eat. According to a Red Cross account, the 94th Infantry's commanding general asked Hodges to see about getting supplies to the POWs. Hodges began making regular trips across German lines. Though he was under the Red Cross flag, he was often at risk of being shot by one side or another. He finally realized a prisoner exchange would make more sense. To his surprise, the Germans agreed. Allied commanders agreed, and on the morning of Nov. 17, the first exchange began. Eventually 147 soldiers were swapped in four exchanges, on a one-to-one basis, with men of equal rank. The Germans refused to turn over one British officer who had escaped several times. They wanted five German soldiers with Iron Cross decorations in return. Hodges then asked the Germans, ''If you are such good military men, how could one British officer be worth five of yours?'' After banging on the table, the German officer relented. We have photographs of Dad being exchanged and old, yellowed newspaper clippings announcing the event. I had always imagined the exchange in black and white, as in the photos, with the ''jollyboat'' carrying 10 men at a time going back and forth across the river. But, now, in Etel, where the water was blue and the dock cement-yellow, I imagined my Dad moving from black and white into color. Though his wounds were mostly healed, he was on a stretcher because he had gotten the flu a few days before; he was coming back to the American side, no longer a prisoner. He was overjoyed and his future was again before him, in all the colors you can imagine.

There is no way to repay the debt Dad feels to Hodges. What can you give to a man who has saved you from the very depths of misery and the verge of starvation and found a way to bring you back to the full color of life? Dad believes that the way to repay him in part is to tell the story of Hodges' courage. And he does: to newspaper reporters, to kids at schools, to people interested in what happened during the war and even to some people who made the mistake of sitting next to us at an Indian restaurant that night. The next day we headed out, on a rented bus, to where the ambush happened. We were led by Frank Perammant, a Frenchman who was 14 years old at the time of the ambush and befriended a number of the American soldiers because he wanted to learn English. He remembers them going out on patrol on the cool, crisp morning of Oct. 2, 1944, because they walked right by his home. Our bus first stopped on the side of the road, and Perammant led us over to a plaque mounted on a stone wall marking where an American lookout had been killed a few days before the ambush. As he explained what had happened there, we walked along the side of a house and along a fence, where he said the American soldiers had come from. And then we drove perhaps a quarter-mile down the road to the ambush site, in the tiny hamlet of Kerdudal. As we got off the bus and the veterans looked around, the questions started: ''Where were the Germans? Where were their lines? What direction were you coming from?'' Back in October 1944, the Americans, who were containing the Germans in the Lorient ''pocket,'' heard there were a number of Germans interested in giving themselves up. They set out, about 50 of them, walking through country crisscrossed by hedgerows—ridges 6 feet high topped by thick, virtually impassable hedges. As they walk forward, disaster strikes: A scout is shot at the beginning of the line and the patrol comes under heavy attack. As the Americans are driven back, Dad bandages the leg of a wounded Free French lieutenant and drags him 500 yards to a road bounded by two high hedgerows, where the Germans cut off their retreat and pin them down with automatic weapons fire. The men fight for six hours as the Nazis pound them with 88s, mortars, machine guns, grenades and rifle fire. The Americans call in artillery, but the fighting is so close that they are hit by the friendly fire. They find out later they are outnumbered 12 to 1.

About 3 p.m., Dad sees a concussion mortar shell land 50 yards away, right in the center of the road they are in. The next falls 25 yards away, and he knows he will be hit by the third. It throws him like a rag doll to the ground. He's helpless and bleeding from shrapnel wounds in his legs, hands and right arm. He is in shock, not knowing if he'll live or die, and, the fight blasted out of him, spends the next two hours of the battle lying on the side of the road. As I stand by the side of the road, I imagine I am in the scene. I hear myself call out to this 20-year-old kid, numb and wounded and lying on the ground, ''Hey, you'll be OK, this will work out, hang in there—you'll make it!'' I tell him that he'll live many more years and have a wonderful family and grandchildren. As though I am the father, I shout expressions of love and hope to this helpless boy lying there motionless. By 5 p.m. it's clear reinforcements can't break through, and those who can still fight are out of ammunition. One soldier puts a white bandage over his rifle to signify surrender. He stands up and raises the rifle. A German machine-gunner apparently does not realize that he is trying to give up and he fires. The American is cut in two. Finally, the Germans understand and the Americans surrender. The Germans take the Americans into captivity, with Dad in a wheelbarrow pushed by his friend, George Boyd.

Two months later, Dad would write a detailed account of the battle in a letter to his parents and sister Gloria. He described the aftermath this way: ''It doesn't matter much but we caused the enemy nearly four times our number casualties . . . The Germans themselves respected us to the extent of not searching us for weapons (taking our words for it) and not forcing us to hold our hands up, telling us we were too good a bunch of fighters to be shamed in such a way. I don't know for sure if I killed and I don't want to. It's hard to write because I hate to remember but I know you want to know just what happened. . . .'' As I return to real life in 2004, the three veterans can't tell exactly where they were during the ambush. Perammant pointed out it was here the first shots were fired. The vets were not so sure. The land has changed. There are no more hedgerows; they were flattened out over 60 years ago by farmers who decided that flat land was easier to farm. Trees had grown where before there were none. A few old houses were still there, maybe the only surviving objects that could bear witness. A French couple, working in their ever-so-peaceful garden, were kind as they listened to the story, and said they thought the dirt road they pointed out was the one on which the men were led away. We walked down this cart path, retracing, the veterans trying to remember. There are no battle markers here; the only other thread to the past is the recollection of the three men. The story they tell about the ambush is what makes it real. A half an hour later, we're sipping hot chocolates and Cokes at a little cafe as if what happened on this land 60 years ago was ancient history. But something in me has been deeply touched by seeing where this pivotal event in Dad's life had happened.

As I sit in my hotel room and think about why I am so touched by this ordinary piece of French countryside, I realize that seeing the ambush site somehow connected me to my father on a new emotional level. I feel I have come face to face with Dad as he was 60 years ago, when he went through the worst experience of his life. In some almost mystical way, seeing him at the ambush site, at

the hospital and at the scene of the exchange made my view of him and my connection to him more complete than anything I had ever experienced. And it gave me a view of my family history more alive than it had been in the stories I have heard since I was a child. Returning with him to Brittany wasn't about glorifying war; it was more about sharing a part of the most frightening moments in his life in a way that was so real, so close. It was like reliving a part of his life through his eyes. They were now not just heroic tales of days long ago; they were as recent and real as the reports we see on the 6 o'clock news. I've often heard that men fight battles not for their countries or for apple pie. When they are in a foxhole or pinned down in a hedgerow, they fight for themselves and their buddies. When they are gone, buried in a foreign land, who remembers them? Their parents have long since passed away. Their wives or sweethearts have moved on to others. And life has continued.

So the veterans thought it important to say goodbye to their buddies who died in the ambush in Kerdudal. We drove to the Brittany American Cemetery and Memorial in St. James, a beautiful burial ground, smaller than the more famous one overlooking Omaha Beach, but just as well-kept. On a beautiful spring day, we walked among the too-many crosses and stars of David until the veterans found the graves of the five men to whom they had come to pay their respects. They stopped next to the cross over the grave of the soldier killed when attempting to surrender during the ambush. In the quiet, as we watched, they each stood on one side of the cross and Kermit read a prayer written by the soldier's brother-in-law. The haunting, final sound of Taps was heard across the cemetery as the veterans stood with their hands over their hearts. And tears ran down Dad's face. The veterans remembered this man, as they remembered all the men who had died that day in October. Each buried comrade was a real person with dreams and emotions and, they thought, their whole lives to look forward to. Each was more than just one of the thousands of crosses and stars of David planted in straight rows in the American cemeteries in Europe.

Dad has wondered aloud to me why he lived when his friends did not. Why could he come home and they lie in the cemeteries of France? There's no answer to these questions. Maybe it was luck; maybe fate or God intervened. But surely it was important for him to say goodbye one last time and to remember. I watched him as he stood with his eyes closed and wiping the tears from his face. Maybe it is just an automatic human reaction, but I felt my own chest tightening and the tears welling up in my eyes, too. But it was not only for the men we were honoring that I found myself choking up.

It was also for Dad and what he had done. He had survived the intervening decades and now, at an age when so many of his colleagues won't attempt much more than a trip to the supermarket, he had accomplished the four goals he had when he had set out: he had seen the land again; he had thanked the French people; he had said goodbye to his friends; and he had honored Hodges.

While the trip was not over, for Dad, the journey was complete. Mom and I were so very proud of him. For me, it was a trip of a lifetime. I had relived the worst day of Dad's life, in Kerdudal, and the best, in Etel. I had seen what he had gone through in a way that no book and no movie could ever recreate. I also had learned again from Dad how to thank those who had served at a time of need, to honor those who have fallen for our country and for those who showed tremendous bravery in helping their fellow men.

This journey to the past was a gift from my father. For an instant, he gave me the ability to touch the past and see him and these places as they once were. I could relive with my Dad that time of his life when he was young and strong and thought he was invincible. That is a gift few sons ever get to share with their fathers. I will always be grateful that I had that chance.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 8, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 9

9 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Robert D. Jamison, of Virginia, to be Under Secretary for National Protection and Programs, and W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, both of the Department of Homeland Security.

SD–342

NOVEMBER 13

9:30 a.m.

Judiciary

To hold hearings to examine the scope of public performance rights.

SD–226

10 a.m.

Environment and Public Works

To continue hearings to examine S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases.

SD–406

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the human capital needs of a United States Customs and Boarder Protection initiative, focusing on border security, and progress and weaknesses in traveler inspections at our nation's ports of entry.

SD–342

Small Business and Entrepreneurship

To hold an oversight hearing to examine the Small Business Administration, focusing on preventing loan fraud and improving regulation of lenders.

SR–428A

2:30 p.m.

Energy and Natural Resources

To hold an oversight hearing to examine the Surface Mining Control and Reclamation Act (Public Law 95–87), focusing on policy issues thirty years later.

SD–366

Foreign Relations

To hold hearings to examine international climate change negotiations, focusing on restoring United States leadership.

SD–419

Intelligence

To hold hearings to examine congressional oversight.

SH–216

NOVEMBER 14

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 1551, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, S. 1858, 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, S. 911, 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. 1916, to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes, S. 1382, to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry, S. 1970, to establish a National Commission on Children and Disasters, a National Resource Center on Children and Disastersand, and an original bill entitled, ''Health Centers Renewal Act of 2007'', and any pending nominations.

SD–430

Veterans' Affairs

Business meeting to markup pending legislation; to be immediately followed by a hearing to examine the nomination of Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources and Management).

SD–562

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine ways to improve the Federal Climate Change Research and Information Program.

SR–253

Energy and Natural Resources

To hold hearings to examine the Global Nuclear Energy Partnership relating to the United States policy on nuclear fuel management.

SD–366

Homeland Security and Governmental Affairs

Business meeting to consider S. 1667, to establish a pilot program for the expedited disposal of Federal real property, S. 1000, to enhance the Federal Telework Program, H.R. 390, to require the establishment of a national database in the National Archives to preserve records of servitude, emancipation, and post-Civil War reconstruction and to provide grants to State and localentities to establish similar local databases, H.R. 3571, to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term, S. 2174, to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building'', H.R. 2089, to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office'', S. 2292, to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to address terrorist explosive threats, H.R. 3297, to designate the facility of the United States Postal Servicelocated at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the ''Nate DeTample Post Office Building'', H.R. 3308, to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the ''Lance Corporal David K. Fribley Post Office'', H.R. 3530, to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the ''Chief Warrant Officer Aaron Weaver Post Office Building'', H.R. 2276, to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building'', H.R. 3325, to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the ''Corporal Stephen R. Bixler Post Office'', S. 2110, to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office'', H.R. 3382, to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the ''Philip A. Baddour, Sr. Post Office'', S. 2290, to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building'', S. 2272, to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007, 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'', S. 2150 and H.R. 3572, bills to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building'', S. 2107 and H.R. 3307, bills 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'', H.R. 3518, to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the

''Charles H. Hendrix Post Office Building'', and other pending calendar business.

SD–342

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine accountability for human rights violators in the United States.

SD–226

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine shareholder rights and proxy access.

SD–538

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine sovereign wealth fund acquisitions and other foreign government investments in the United States, focusing on economic and national security implications.

SD–538

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine Medicaid providers, focusing on a recent study conducted by the Government Accountability Office on unpaid taxes, the extent of the problem, and possible solutions.

SD–342

4:30 p.m.

Intelligence

Meeting of conferees on proposed legislation authorizing funds for fiscal year 2008 for the intelligence community.

S–407, Capitol

NOVEMBER 15

9:30 a.m.

Armed Services

To hold hearings to examine the state of the United States Army.

SH–216

10 a.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine issues facing the United States space program after retirement of the space shuttles.

SR–253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

DECEMBER 12

10 a.m.

Rules and Administration

To hold hearings to examine a recently released Government Accountability Office report, focusing on funding challenges and facilities maintenance at the Smithsonian Institution.

SR–301

Daily Digest

HIGHLIGHTS

House Committees ordered reported 16 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S14025–S14103

Measures Introduced: Nine bills were introduced, as follows: S. 2315–2323. **Page S14062**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2008". (S. Rept. No. 110–221)

S. 597, to extend the special postage stamp for breast cancer research for 2 years. (S. Rept. No. 110–222)

S. 589, to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee, with an amendment in the nature of a substitute. (S. Rept. No. 110–223)

H.R. 798, to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy. (S. Rept. No. 110–224)

Report to accompany S. 775, to establish a National Commission on the Infrastructure of the United States. (S. Rept. No. 110–225) **Page S14062**

Measures Passed:

Oscar G. Johnson Department of Veterans Affairs Medical Facility: Committee on Veterans' Affairs was discharged from further consideration of H.R. 2602, to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility", and the bill was then passed, clearing the measure for the President. **Page S14095**

Accountability in Government Contracting Act: Senate passed S. 680, to ensure proper oversight and accountability in Federal contracting, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S14095–14101**

Durbin (for Lieberman) Amendment No. 3565, in the nature of a substitute. **Page S14101**

Veto Messages:

Water Resources Development Act—Veto Message: A unanimous-consent agreement was reached providing that Senate begin consideration of the veto message of the President to accompany H.R. 1495, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and that the message be considered as having been read, and spread in full in the Journal; provided further, that Senate continue consideration of the veto message to accompany H.R. 1495, at approximately 10:45 a.m., on Thursday, November 8, 2007, and that there be 30 minutes remaining for debate divided 7½ minutes each between Senators Boxer and Inhofe, and 15 minutes for the Republican Leader, or his designee; and that upon the use or yielding back of time, Senate vote on passage of the bill, the objections of the President, notwithstanding. **Pages S14044–56**

Conference Reports:

Labor/HHS/Education Appropriations Act—Conference Report: Senate began consideration of the conference report to accompany H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008. **Pages S14028–44**

During consideration of this measure today, the Senate also took the following action:

By 47 yeas to 46 nays (Vote No. 404), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive the point of order under Senate Rule 28, paragraph 3, that the text of the Military Construction, Veterans Affairs, and Related Agencies Bill (H.R. 2642), which constitutes Division B of the

Conference Report for H.R. 3043, is new matter, as it was not contained in either the House or Senate-passed bills. Subsequently, the point of order was sustained and the language that is the subject of the point of order is stricken. **Page S14043**

By 56 yeas to 37 nays (Vote No. 405), Senate agreed to the motion to recede from its amendment to H.R. 3043 and concur with a further amendment. **Pages S14043–44**

Adopted:

Hutchison/Harkin Amendment No. 3557, in the nature of a substitute.

Nominations Received: Senate received the following nominations:

Mary Ann Glendon, of Massachusetts, to be Ambassador to the Holy See.

Charles A. Gargano, of New York, to be Ambassador to the Republic of Austria.

Victoria Clarke, of Maryland, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

Eric J. Tanenblatt, of Georgia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

1 Army nomination in the rank of general.

3 Coast Guard nominations in the rank of admiral.

Routine lists in the Coast Guard, Foreign Service. **Pages S14102–03**

Messages from the House: **Page S14060**

Measures Read the First Time: **Page S14060**

Enrolled Bills Presented: **Page S14060**

Executive Communications: **Pages S14060–62**

Additional Cosponsors: **Pages S14062–64**

Statements on Introduced Bills/Resolutions: **Pages S14064–68**

Additional Statements: **Pages S14058–60**

Amendments Submitted: **Pages S14068–95**

Notices of Hearings/Meetings: **Page S14095**

Authorities for Committees to Meet: **Page S14095**

Record Votes: Two record votes were taken today. (Total—405) **Pages S14043, S14044**

Adjournment: Senate convened at 10:30 a.m. and adjourned at 6:58 p.m., until 9:45 a.m. on Thursday, November 8, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S14101.)

Committee Meetings

(Committees not listed did not meet)

CARBON SEQUESTRATION TECHNOLOGIES

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Innovation concluded a hearing to examine carbon sequestration technologies, after receiving testimony from Robert C. Burruss, Research Geologist, Energy Resources Team, United States Geological Survey, Department of the Interior; Howard Herzog, Massachusetts Institute of Technology Laboratory for Energy and Environment, Cambridge, Massachusetts; Charles E. Fox, Kinder Morgan, Houston, Texas; Sally M. Benson, Stanford University Global Climate and Energy Project, Stanford, California; Ron Wolfe, Sealaska Corporation, Juneau, Alaska; and Bryan Hannegan, Electric Power Research Institute, Palo Alto, California.

INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT

Committee on the Judiciary: Committee concluded a hearing to examine the United States government enforcement of intellectual property rights, including S. 522, to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and S. 2317, to amend titles 17 and 18, United States Code, and the Trademark Act of 1946 to strengthen and harmonize the protection of intellectual property, after receiving testimony from Senator Bayh; Chris S. Israel, Coordinator for International Intellectual Property Enforcement, Department of Commerce; Christopher L. Moore, Deputy Assistant Secretary of State for Trade Policy and Programs, Bureau of Economic, Energy and Business Affairs; and Kevin J. O'Connor, United States Attorney for the District of Connecticut, and Chairman, Task Force on Intellectual Property, Department of Justice.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported S. 2300, to improve the Small Business Act, with an amendment in the nature of a substitute.

VETERANS CLAIMS

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine the performance and structure of the United States Court of Appeals for Veterans Claims, after receiving testimony from William P. Greene, Jr., Chief Judge, United States Court of Appeals for Veterans Claims; R. Randall Campbell, Assistant General Counsel, Department of Veterans Affairs; and Richard Paul Cohen, National Organization of Veterans Advocates (NOVA), Inc., Christine Cote, National Veterans Legal Services Program, and Joseph A. Violante, Disabled American Veterans (DAV), all of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 4102–4112; and 1 resolution, H. Res. 807 were introduced. **Pages H13295–96**

Additional Cosponsors: **Pages H13296–97**

Report Filed: A report was filed today as follows:

H. Res. 806, providing for consideration of the conference report to accompany the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008 (H. Rept. 110–435). **Page H13295**

Chaplain: The prayer was offered by the guest Chaplain, Rabbi Irwin N. Goldenberg, Temple Beth Israel, York, Pennsylvania. **Page H13209**

Recess: The House recessed at 10:07 a.m. for the purpose of receiving His Excellency Nicolas Sarkozy, President of the French Republic. The House reconvened at 12:27 p.m., and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Page H13209**

Joint Meeting to receive His Excellency Nicolas Sarkozy, President of the French Republic: The House and Senate met in a joint session to receive His Excellency Nicolas Sarkozy, President of the French Republic. He was escorted into the Chamber by a committee comprised of Representatives Hoyer, Clyburn, Emanuel, Larson (CT), Lantos, Markey, Skelton, Lewis (GA), Lowey, Capps, Boehner, Blunt, Putnam, Ros-Lehtinen, Gallegly, Stearns, Shimkus, Cantor, Wilson (SC), and Poe; and Senators Reid, Durbin, Dorgan, Leahy, Kerry, Lieberman, Feinstein, Boxer, Landrieu, McConnell, Lott, Kyl, Cornyn, Hutchison, Ensign, Snowe, Collins, and Smith. **Pages H13209–10**

Committee on Transportation and Infrastructure—Communication: Read a letter from Chairman Oberstar wherein he transmitted copies of resolutions adopted by the Committee on Transportation and Infrastructure on October 31st. **Page H13213**

Motion to Adjourn: Rejected the Hastings (WA) motion to adjourn by a yea-and-nay vote of 164 yeas to 254 nays, Roll No. 1051. **Page H13225**

Employment Non-Discrimination Act of 2007: The House passed H.R. 3685, to prohibit employment discrimination on the basis of sexual orientation, by a yea-and-nay vote of 235 yeas to 184 nays, Roll No. 1057. **Pages H13216–53**

Rejected the Forbes motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House promptly with an amendment, by a yea-and-nay vote of 198 yeas to 222 nays, Roll No. 1056. **Pages H13250–52**

Accepted:

George Miller (CA) amendment (No. 1 printed in H. Rept. 110–422) that (1) provides explicitly that any religious corporation, school, association or society that is exempt under either Section 702(a) or 703(e)(2) of Title VII's religious exemptions is exempt under ENDA; it clarifies that the scope of Title VII's exemption is exactly the scope of ENDA's exemption (if a school is exempt from Title VII's religious discrimination prohibitions, it will also be exempt from ENDA); and (2) clarifies that ENDA does not alter the Defense of Marriage Act (DOMA) in any way. It strikes language referencing "a same-sex couple who are not married" in the Employee Benefits section of ENDA. It also inserts language clarifying that the term "married" has the meaning given such term in DOMA, directly incorporating DOMA's definition of marriage (by a recorded vote of 402 ayes to 25 noes, Roll No. 1054) and **Pages H13243–45, H13249**

Souder amendment (No. 2 printed in H. Rept. 110–422) that strikes paragraph (3) of section 8(a), which prohibits employers from conditioning employment on a person being married or being eligible to be married (by a recorded vote of 325 ayes to 101 noes, Roll No. 1055). **Pages H13246–47, H13249–50**

Withdrawn:

Baldwin amendment (No. 3 printed in H. Rept. 110–422) that was offered and subsequently withdrawn that would have expanded ENDA's protections to persons discriminated against based on gender identity, defined as the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth. The amendment included language concerning shared facilities, dress, and grooming standards, as well as a paragraph stating that the construction of additional facilities are not required. **Pages H13247–49**

H. Res. 793, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 218 yeas to 205 nays, Roll No. 1053, after agreeing to order the previous question by a recorded vote of 224 ayes to 192 noes, Roll No. 1052.

Pages H13216–17, H13226–28

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Monday, November 5th:

Recognizing the close relationship between the United States and the Republic of San Marino: H. Con. Res. 236, amended, to recognize the close relationship between the United States and the Republic of San Marino, by a 2/3 yea-and-nay vote of 396 yeas with none voting "nay", Roll No. 1058.

Pages H13253–54

United States-Peru Trade Promotion Agreement Implementation Act: The House began consideration of H.R. 3688, to implement the United States-Peru Trade Promotion Agreement. Further consideration is expected to resume Thursday, November 8th. **Pages H13254–94**

H. Res. 801, the rule providing for consideration of the bill, was agreed to by a recorded vote of 349 ayes to 55 noes, Roll No. 1059, after agreeing to order the previous question by voice vote.

Page H13263

Senate Message: Message received from the Senate today appears on page H13263.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H13297–H13300.

Quorum Calls—Votes: Five yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H13225, H13227, H13227–28, H13249, H13249–50, H13252, H13252–53, H13253–54, H13263. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:18 p.m.

Committee Meetings

MEAT INDUSTRY RECALLS

Committee on Agriculture: Subcommittee on Livestock, Dairy and Poultry held a hearing to review recent recalls in the meat industry. Testimony was heard from Richard Raymond, M.D., Under Secretary, Food Safety, USDA.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action, as amended, H.R. 1328, Indian Health Care Improvement Act Amendments of 2007.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following bills: H.R. 4043, Preserving and Expanding Minority Depository Institutions Act; H.R. 3915, Mortgage Reform and Anti-Predatory Lending Act of 2007; H.R. 3837, amended, Escrow, Appraisal, and Mortgage Servicing Improvements Act; H.R. 4050, Levee-Like Structure Consideration Act of 2007.

Began markup of H.R. 4051, Housing Assistance Authorization Act of 2007.

Will continue tomorrow.

PAKISTAN

Committee on Foreign Affairs, hearing on Democracy, Authoritarianism, and Terrorism in Contemporary Pakistan. Testimony was heard from John D. Negroponte, Deputy Secretary of State.

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER; CAPITOL CONSTRUCTION AND SLAVE LABOR CONTRIBUTIONS

Committee on House Administration: Ordered reported, as amended, H.R. 3690, U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007.

The Committee also held a hearing on the Construction of the United States Capital: Recognizing the Contributions of Slave Labor. Testimony was heard from Senator Lincoln; Representative Lewis of Georgia, former Representative J.C. Watts of Oklahoma; William C. Allen, Architectural Historian, Office of the Architect of the Capitol; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1312, Arts Require Timely Service (ARTS) Act; H.R. 1759, amended, Managing Arson Through Criminal History (MATCH) Act of

2007; H.R. 2489, Genocide Accountability Act of 2007; H.R. 3971, amended, Death in Custody Reporting Act of 2007; H.R. 3992, Mentally Ill Offender Treatment and Crime Reduction Reauthorization Act of 2007; and H.R. 971, amended, Community Pharmacy Fairness Act of 2007.

The Committee began markup of H.R. 3609, Emergency Home Ownership and Mortgage Equity Protection Act of 2007.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported, as amended, the following measures: H.R. 3079, Northern Mariana Islands Covenant Implementation Act; Northern Mariana Islands Delegate Act; H.R. 1497, Legal Timber Protection Act; H.R. 3998, 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; H.R. 1662, To amend the Reclamation Safety Dams Act of 1978 to authorize improvements for the security of dams and other facilities; and H.R. 2246, To validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads.

DRUG RESISTANT INFECTIONS

Committee on Oversight and Government Reform: Held a hearing on Drug Resistant Infections in the Community: Consequences for Public Health. Testimony was heard from Julie Louise Gerberding, M.D., Director, Centers for Disease Control and Prevention, Department of Health and Human Services; James Burns, M.D., Chief Deputy Commissioner, Public Health, Department of Health, State of Virginia; Elizabeth A. Bancroft, M.D., Medical Epidemiologist, Los Angeles County, Department of Health Services, Los Angeles, California; and public witnesses.

NEGOTIATING WITH IRANIANS

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs continued hearings on Iran: Reality, Options and Consequences, Part 2, Negotiating with Iranians: Missed Opportunities and Paths Forward. Testimony was heard from Kenneth Katzman, Specialist in Middle Eastern Affairs, Foreign Affairs, Defense, and Trade Division, CRS, Library of Congress; and public witnesses.

CONFERENCE REPORT—DEPARTMENT OF DEFENSE APPROPRIATIONS FISCAL YEAR 2008

Committee on Rules: Granted, by a voice vote, a conference report rule waiving all points of order against the conference report on H.R. 3222, Department of Defense Appropriations Act, 2008, and against its consideration and providing that the conference report shall be considered as read. Testimony was heard from Representative Murtha.

SMALL BUSINESS ECONOMY

Committee on Small Business: Held a hearing entitled "The State of The Small Business Economy," to examine the production, employment and output of our nation's small businesses. Testimony was heard from Frederic S. Mishkin, member, Board of Governors, Federal Reserve System.

VETERANS EDUCATION BENEFITS

Committee on Veterans' Affairs: Ordered reported, as amended, H.R. 3882, To amend title 38, United States Code, to change the length of the obligated period of service on active duty required for receiving certain education benefits administered by the Secretary of Veterans Affairs.

BRIEFINGS—PAKISTAN; AND CIA INSPECTOR GENERAL

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Pakistan. The Committee was briefed by departmental witnesses.

The Committee also met in executive session to receive a briefing on CIA Inspector General. The Committee was briefed by departmental witnesses.

OIL SHOCK: POTENTIAL FOR CRISIS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled "Oil Shock: Potential for Crisis." Testimony was heard from ADM Dennis Blair, USN, (Ret.), former Commander in Chief, U.S. Pacific Command; and Carol P. Browner, former Administrator, EPA.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 8, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine localism, diversity, and media ownership, 10 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 86, to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic

rivers, S. 1365, to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, S. 1449, to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geologic artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature and Science in Denver, Colorado, S. 1921, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, S. 1941, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, S. 1961, to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama, S. 1991, 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, S. 2098, to establish the Northern Plains Heritage Area in the State of North Dakota, S. 2220, to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations, and H.R. 1191, to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, 9:30 a.m., SD–406.

Committee on Foreign Relations: Subcommittee on Near East and South and Central Asian Affairs, to hold hearings to examine Syria, focusing on options and implications for Lebanon and the surrounding region, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine ways to protect the employment rights of those who protect the United States, 10:30 a.m., SD–430.

Committee on the Judiciary: business meeting to consider S. 352, to provide for media coverage of Federal court proceedings, S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and the nominations of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Joseph N. Laplante, to be United States District Judge for the District of New Hampshire, Reed Charles O'Connor, to be United States District Judge for the Northern District of Texas, Thomas D. Schroeder, to be United States District Judge for the Middle District of North Carolina, and Amul R. Thapar, to be United States District Judge for the Eastern District of Kentucky, 10 a.m., SD–226.

House

Committee on Armed Services, Subcommittee on Seapower and Expeditionary Forces and Air and Land Forces, hearing on the Joint Mine Resistant Ambush Protected (MRAP) Vehicle Program, 2 p.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Health, Employment, Labor and Pensions, hearing on Securing Retirement Coverage for Future Generations, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, to mark up H.R. 1747, Safe Drinking Water for Healthy Communities Act of 2007, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on H.R. 2634, Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2007, 10 a.m.; and to continue markup of H.R. 4051, Housing Assistance Authorization Act of 2007, 1 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Middle East and South Asia, hearing on Lebanon on the Brink, 9:30 a.m., 2172 Rayburn.

Committee on Homeland Security, hearing entitled "The Progress and Pitfalls of the Terrorist Watch List," 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, oversight hearing on Torture and the Cruel, Inhuman, and Degrading Treatment of Detainees: The Effectiveness and Consequences of "Enhanced" Interrogation, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Review of the Prison Reform Act: A Decade of Reform or an Increase in Prison and Abuses?; and H.R. 1889, Private Prison Information Act of 2007, 1:30 p.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on H.R. 750, Save America Comprehensive Immigration Act of 2007, 10 a.m., 2237 Rayburn.

Committee on Natural Resources, hearing on H.R. 3994, Department of the Interior Tribal Self-Governance Act of 2007, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing on EPA Approval of New Power Plants: Failure to Address Global Warming Pollutants; and to mark up the following measures: H.R. 3179, Local Preparedness Acquisition Act; H.R. 2414, Metropolitan Police Department and Fire Service Act of 2007; H.R. 3974, To designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building;" H.R. 4009, 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;" H. Con. Res 211, Supporting the goals and ideals of World Diabetes Day;" H. Con. Res. 215, Supporting the

designation of a week as ''National Cardiopulmonary Resuscitation and Automated External Defibrillator Awareness Week;'' H. Res. 695, Expressing the support for designation of a ''National Fire Fighter Appreciation Day;'' and H. Res. 785, Recognizing the 100th Anniversary of Robstown, Texas, 10 a.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 3996, Temporary Tax Relief Act of 2007, 2 p.m., H–313 Capitol.

Committee on Science and Technology, Subcommittee on Space and Aeronautics, hearing on Near-Earth Objects (NEOs)—Status of the Survey Program and Review of NASA's Report to Congress, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Regulations, Health Care and Trade, hearing entitled ''Medicare Reimbursement Cuts: The Potential Impact on Solo and Small Group Medical Practices,'' 11 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Twenty-First Century Water Commission Act of 2007, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on the following: H.R. 3047, Veterans Claims Processing Innovation Act of 2007; H.R. 3249, Veterans Burial Benefits Improvement Act of 2007; H.R. 3286, To amend title 38, United States Code, to reduce the period of time for which a veteran must be totally disabled before the veteran's survivors are eligible for the benefits provided by the Secretary of Veterans Affairs for survivors of certain veterans rated totally disabled at time of death; H.R. 3415, To amend title 38, United States Code, to authorize the placement in a national cemetery of memorial markers for the purpose of commemorating servicemembers or other persons whose remains are interred in an American Battle Monuments Commission cemetery; H.R. 1137, To amend title 38, United States Code, to increase to $2,000 the amount of the Medal of Honor special pension under that title and to provide for payment of that pension to the surviving spouse of a deceased Medal of Honor recipient; H.R. 3954, Providing Military Honors for our Nation's Heroes Act; H.R. 3286, To amend title 38, United States Code, to reduce the period of time for which a veteran must be totally disabled before the veteran's survivors are eligible for the benefits provided by the Secretary of Veterans Affairs for survivors of certain veterans rated totally disabled at time of death; and H.R. 4984, Veterans Quality of Life Study Act of 2007, 2 p.m., 334 Cannon.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine outstanding issues relating to the 1992–1995 conflict in Bosnia, focusing on violent ethnic cleansing, and how they shape politics, society, and economic development in Bosnia, 2 p.m., B–318–RHOB.

Joint Economic Committee: to hold hearings to examine the current economic outlook, 10 a.m., SH–216.

Conference: Meeting of conferees on H.R. 1429, to reauthorize the Head Start Act, to improve program quality, to expand access, 5:30 p.m., 2175–RHOB.

Next Meeting of the SENATE

9:45 a.m., Thursday, November 8

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of the veto message of the President on H.R. 1495, Water Resources Development Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 8

House Chamber

Program for Thursday: Consideration of H.R. 3355—Homeowners' Defense Act of 2007 and the conference report to accompany H.R. 3222—Department of Defense Appropriations Act, 2008.

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