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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. ROYBAL-ALLARD).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC
March 4, 2008.

I hereby appoint the Honorable LUCILLE ROYBAL-ALLARD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

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

NATIONAL BIKE SUMMIT

Mr. BLUMENAUER. Thank you, Madam Speaker.

This week, hundreds of cyclists from around America will descend on Capitol Hill to advocate on behalf of America's 100 million people who enjoy bicycling for recreation, for their livelihood, and some for basic transportation.

With 176 members of the Congressional Bicycle Caucus, I know there will be great receptivity in many offices, but it is time for everybody to take these men and women very seriously when they bring their message to Capitol Hill.

Yes, bicycling is fun. We know that from our youth. Everybody seems to have a bicycling story that they love to tell. However, there are many reasons why bicycling should be taken very seriously by policymakers. Consider the times. Remember last year when oil averaged $72 per barrel and gasoline averaged $2.81 per gallon and how people were deeply concerned about those increases over just the year before? Well, already oil is significantly over $100 a barrel and rising gasoline prices are expected to perhaps reach as much as $4 a gallon this summer.

There is also an emerging consensus on global warming that it is not just an urgent problem, but that transportation is the largest source of carbon emissions that we can manage quickly to reduce. The carbon emissions from riding a bicycle to work or to the store or for exercise are zero.

Consider the livability of our cities and neighborhoods as we are struggling with traffic congestion, air pollution, and the quality of life in every neighborhood and downtown and everywhere in between. Bicycles, obviously, make a huge difference there.

Last but not least, impacts on our health. There is great unease about soaring health care costs. There is a childhood obesity epidemic. The bicycle is the simplest, most cost-effective way to be able to enhance our health as we enhance the quality of life for our young people. Think for a moment right now how many people somewhere in America are stuck in traffic on their way to ride a stationary bike at a health club. These are all initiatives that can be dealt with by taking over 100 million bicycles that are stored in our garages and basements and locked to a back porch and putting them to use. The role for the Federal Government is not to tilt in favor of cycling, although I could certainly make that argument, but just to level the playing field.

Why do some Members of Congress think it's all right to give tax benefits to commuters that burn gasoline to help them cushion their costs, but are against providing modest tax benefits for those who burn calories instead? Three times the House of Representatives has passed a modest reform for bike commuter equity, but it has yet to be enacted into law.

Mostly it's time to set the table for the massive transportation reauthorization that will be before us next Congress. I have introduced House Concurrent Resolution 305, which would be the first comprehensive bicycling policy statement as a guide for authorization and beyond.

I urge my colleagues to look at it. It's the simplest, most cost-effective direction the Federal Government can give to make more transportation choices for Americans, to provide safer opportunities for our children to get to school, to deal with health and climate change, and to heal our communities while we strengthen our bodies and improve our spirits.

Bicyclists are an indicator species of a livable community, a place where our families are safe, healthy and economically secure. It's time for the Federal Government to step up and do its part.

WHAT GEORGE WOULD HAVE DONE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning-hour debate for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, over the weekend, the Washington Post carried a thoughtful op-ed that I think

we ought to send down to the White House to make sure the President reads. It's called ''Lessons on Iraq from a Founding Father.'' The author, Brian O'Malley, an adjunct professor at Jones College in Jacksonville, Florida, reminds us that the Nation's first President, George Washington, could offer some good insights into what to do in Iraq.

In the fall of 1775, before the Declaration of Independence, the fledgling Nation prepared to invade Canada, in what the author calls America's first preemptive war. George Washington had misgivings, and he expressed them in his letters to his commander, Colonel Benedict Arnold.

Washington explicitly told Arnold to be sure that the Canadian people wanted America to cross the border. In his words, ''ever bearing in mind that if they are averse to it, and will not cooperate, or at least willingly acquiesce, it must fail of success. In this case you are by no means to prosecute the attempt.''

Washington also understood that the safety of his soldiers depended on how they treated people, and he urged restraint. In his words, ''not only the good of their country and their honor, but their safety depends upon the treatment of these people.''

The first President also worried about treating prisoners properly and with respect. He ordered his commander to restrain his forces, in his words, ''from all acts of cruelty and insult, which will disgrace the American arms, and irritate our fellow subjects against us.''

Washington even warned of consequence against any American found to mistreat a prisoner. And Washington understood the need to respect religion, telling his commander to restrain officers and soldiers from any ridicule or disrespect of religion.

The concerns raised by Washington in 1775 are exactly the concerns that should have been raised in 2002 before the Iraq invasion. It might have been prevented Abu Ghraib. It might have prevented the wholesale dismissal and dismantling of the Iraq army that led to the rise of insurgents. It might have prevented an Iraq quagmire that has needlessly claimed American lives, wastefully drained our Treasury, carelessly tainted American leadership in the world and absolutely harmed our economy here at home. That is the Iraq war record.

History is replete with lessons, but unless we learn the lessons of history, we are doomed to repeat them. That is what is going on in Iraq today. The latest estimate places the cost of the war at $3 trillion, and that doesn't account for the cost of treating the thousands of U.S. soldiers coming back.

Iraq is like quicksand, and America sinks deeper and deeper every single day. Our military is in shambles, the housing market looks more and more like a house of cards, the U.S. dollar is in free fall against other currencies, and the U.S. economy is in recession.

The President says he hasn't heard that respected economists are talking about $4 a gallon gasoline next month. He's the only one who's missed the news. Gas is up almost $1 from a year ago. Diesel prices have already climbed to $3.60. But they have a rose garden down at the White House and a President who thinks everything is rosy. And if he says it, then it must be true.

What is true is that Americans are using credit cards just to try and stay afloat. What is true is that a record number of Americans are losing their homes to foreclosure. What is true is that a President fixated on waging a perpetual Iraq war ignored the urgent needs of the American people. He has squandered their money and our leadership. The only signs pointing upward for the President are those that proclaim more bad news—another house foreclosed, another family bankruptcy. Instead of gazing out the window at the rose garden, the President ought to try walking down Main Street and talking to a few people. He is out of touch and America is out of time.

[From the Washington Post, Mar. 1, 2008]

LESSONS ON IRAQ FROM A FOUNDING FATHER

(By Brian O'Malley)

What would George Washington do about Iraq? In a December Outlook essay, historian Joseph J. Ellis argued that it's not possible to theorize exact answers because the ''gap between the founders' time and ours is nonnegotiable, and any direct linkage between them and now is intellectually problematic.'' But Ellis also conceded that this position is ''unacceptable to many of us, because it suggests that the past is an eternally lost world that has nothing to teach us.''

History does hold lessons about today's issues, and this is clear when considering Iraq and U.S. conduct in the war against terrorism. Consider the 1775–76 invasion of Canada, America's first preemptive war, which ended just days before Congress ratified the Declaration of Independence.

On Sept. 14, 1775, Washington wrote two letters to Col. Benedict Arnold, who led an American force into Canada. Five of Washington's points for invasion merit particular attention.

First, if the citizens don't want us there, don't go. Washington told Arnold, ''You are by every means in your power to endeavor to discover the real sentiments of the Canadians towards our cause, and particularly as to this expedition; ever bearing in mind that if they are averse to it, and will not co-operate, or at least willingly acquiesce, it must fail of success. In this case you are by no means to prosecute the attempt.''

The expense of starting the mission and the disappointment of not completing it, Washington wrote, ''are not to be put in competition with the dangerous consequences which may ensue from irritating them against us.''

Second, the safety of American personnel depended on how they treated people. Washington wanted Arnold to ''conciliate the affections'' of the Canadian settlers and Indians and ordered Arnold to teach the soldiers and officers under his command ''that not only the Good of their Country and their Honour, but their Safety depends upon the Treatment of these People.''

Third, proper treatment of prisoners was necessary. The prominent British parliamentarian William Pitt, who championed American grievances, had a son serving in Canada. John Pitt was never taken into American custody, but in the event that Pitt was captured, Washington warned Arnold, ''You cannot err in paying too much Honour to the Son of so illustrious a Character, and so true a Friend to America.''

This insistence on kind treatment extended beyond Pitt. Washington wrote, ''Any other Prisoners who may fall into your Hands, you will treat with as much Humanity and kindness, as may be consistent with your own Safety and the publick Interest.''

Washington told Arnold to restrain the Continental troops and their Indian allies ''from all Acts of Cruelty and Insult, which will disgrace the American Arms, and irritate our Fellow Subjects against us.''

Fourth, any Americans who mistreated Canadians should be punished. ''Should any American Soldier be so base and infamous as to injure any Canadian or Indian, in his Person or Property,'' Washington wrote, ''I do most earnestly enjoin you to bring him to such severe and exemplary Punishment as the Enormity of the Crime may require.'' In an accompanying letter Washington added, ''Should it extend to Death itself it will not be disproportional to its Guilt, at such a Time and in such a Cause.''

Fifth, respect the people's religion. ''As the Contempt of the Religion of a Country by ridiculing any of its Ceremonies or affronting its Ministers or Votaries, has ever been deeply resented, you are to be particularly careful to restrain every Officer and Soldier from such Imprudence and Folly and to punish every Instance of it.''

American ideals won immediate support from the Canadians, but American misconduct squandered it. Contrary to Washington's orders, some American commanders disrespected Canadians' religion, property and liberty.

Lamenting this American misconduct, Washington wrote to Gen. Philip Schuyler on April 19, 1776, ''I am afraid proper measures have not been taken to conciliate their affections, but rather that they have been insulted and injured, than which nothing could have a greater tendency to ruin our cause in that country; for human nature is such that it will adhere to the side from whence the best treatment is received.''

George Washington is still first in war, first in peace and first in the hearts of his countrymen. It's too bad he couldn't have been the first person we asked about how to proceed in Iraq.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MATSUI) at 2 p.m.

PRAYER

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

Lord, You are Eternal Light which enlightens every human conscience and penetrates every aspect of life with

Your mercy. Enable us, as Your free children, to move and act with responsibility, facing the consequences of all our decided words and actions today.

Give us faith, Lord, which is strong enough to sense Your presence in our midst and bold enough to seek Your holy inspiration in our ordered routine.

Then, in partnership with one another, empower us to broaden the field of justice and establish a Nation of mutual understanding and trust. So let us give You glory today and every day of our lives. Amen.

THE JOURNAL

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

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

Mr. BISHOP of Utah. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. BISHOP of Utah. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. PITTS 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.

ETHANOL WILL SAVE US ALL?

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

Mr. POE. Madam Speaker, they told us that ethanol from corn would save us all—save us from global warming and dependence on foreign oil, but it just isn't so.

The rush to till up more farmland may turn out to be a crop disaster. Science Magazine reports that ''using good crop land to expand biofuels will increase global warming.'' The reason is, now farmers will need to plow under more forests and massive grasslands to grow enough of that ''savior'' corn. But doing so will release carbon stored in plants and soils.

The new evidence indicates, ''after taking into account worldwide land use changes, corn-based ethanol will increase greenhouse gasses by (a staggering) 93 percent compared to gasoline over a 30-year period.''

It is only logical that if farmland once used to grow corn that we eat is used to grow corn that we burn as fuel, more land will be needed for both agricultural production and ethanol production.

So here comes the big wipe out of massive amounts of land, all to subsidize an unproven, unpredictable industry that is potentially hazardous to our health.

And that's just the way it is.

FISA

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

Mr. PITTS. Mr. Speaker, the 21-day FISA extension that our friends on the other side of the aisle fought hard to pass 2 weeks ago would have expired this week. This extension was the Democrat alternative to a permanent bill to provide our intelligence community with the tools they need to fight the war on terror, and yet we still have not voted on the bipartisan Senate bill, or any alternative bill for that matter. We've done nothing.

I believe this exposes the House leadership's plan for what it is, an abdication of their duty to provide our intelligence community with the tools needed to protect the United States.

It has been 17 days since the Protect America Act expired. In the words of the Democratic chairman of the Senate Intelligence Committee, our intelligence gathering capabilities have already been ''degraded.''

Contrary to what some say, there is urgency in this matter. We are losing out on obtaining new and evolving intelligence to enable our fight against terror. There are enough votes in the House to pass the bipartisan Senate bill. It's time for the Speaker to bring the legislation up for a vote.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 3, 2008, at 2:32 p.m. and said to contain a message from the President whereby he submits the 2008 National Drug Control Strategy.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

2008 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–98)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit the 2008 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration published its first National Drug Control Strategy in 2002, inspired by a great moral imperative: we must reduce illegal drug use because, over time, drugs rob men, women, and children of their dignity and of their character. Thanks to bipartisan support in the Congress; the work of Federal, State, local, and tribal officials; and the efforts of ordinary citizens, 6 years later fewer Americans know the sorrow of addiction.

We have learned much about the nature of drug use and drug markets, and have demonstrated what can be achieved with a balanced strategy that puts resources where they are needed most. Prevention programs are reaching Americans in their communities, schools, workplaces, and through the media, contributing to a 24 percent decline in youth drug use since 2001. Today, approximately 860,000 fewer young people are using drugs than in 2001. We have expanded access to treatment in public health settings, the criminal justice system, and in sectors of society where resources are limited. The Access to Recovery program alone has extended treatment services to an additional 190,000 Americans, exceeding its 3-year goal by over 50 percent. We have seized unprecedented amounts of illegal drugs and have denied drug traffickers and terrorists the profits they need to conduct their deadly work. During the first three quarters of 2007 we saw significant disruptions in the cocaine and methamphetamine markets, with prices rising by 44 percent and 73 percent, and purities falling by 15 percent and 31 percent, respectively.

These results do not mean that our work is done. Rather, they provide a charter for future efforts. By pursuing a balanced strategy that addresses the epidemiology of drug use and the economics of drug availability, we can further reduce drug use in America.

I thank the Congress for its support and ask that it continue this noble work on behalf of the American people.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 3, 2008*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

AUTHORIZING SECRETARY OF INTERIOR TO LEASE LANDS IN VIRGIN ISLANDS NATIONAL PARK

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1143) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1143

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

SECTION 1. DEFINITIONS.

In this Act, the following definitions apply:

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

(2) RUE.—The term ''RUE'' means the retained use estate entered into by the Jackson Hole Preserve and the United States on September 30, 1983.

(3) PARK.—The term ''park'' means Virgin Islands National Park.

(4) CBI.—The term ''CBI'' means CBI Acquisitions, LLC.

(5) RESORT.—The term ''Resort'' means Caneel Bay Resort on the island of St. John in Virgin Islands National Park.

SEC. 2. LEASE AGREEMENT.

(a) AUTHORIZATION.—The Secretary may enter into a lease agreement with CBI governing the use of property for the continued management and operation of the Resort.

(b) ADDITIONAL LANDS.—Any lease entered into pursuant to this Act shall include the property covered by the RUE and any associated property owned by CBI donated to the National Park Service.

(c) TERMS.—The lease agreement authorized under subsection (a) shall—

(1) require that operations and maintenance of the Resort are conducted in a manner consistent with the preservation and conservation of the resources and values of the Park as well as the best interests of the Resort;

(2) be for the minimum number of years practicable to enable the lessee to secure financing for any necessary improvements to the Resort, taking into account the financial obligations of CBI, but in any event shall not exceed 40 years;

(3) prohibit any transfer, assignment or sale of the lease or otherwise convey or pledge any interest in the lease without prior written notification to and approval by the Secretary;

(4) prohibit any increase in the number of guest accommodations available at the Resort;

(5) prohibit any increase in the overall size of the Resort;

(6) prohibit the sale of partial ownership shares or timeshares in the Resort;

(7) be designed to facilitate transfer of all property covered by the lease to Federal administration upon expiration of the lease; and

(8) include any other provisions determined by the Secretary to be necessary to protect the Park and the public interest.

(d) APPRAISALS.—The Secretary shall require appraisals to determine the fair market value of all property covered by the RUE and any property, including the value, if any, of the surrendered term of the RUE, owned by CBI to be donated, or otherwise conveyed, to the National Park Service. Such appraisals shall be conducted pursuant to the Uniform Appraisal Standards for Federal Land Acquisition.

(e) COMPENSATION.—

(1) IN GENERAL.—The lease authorized by this Act shall—

(A) require payment to the United States of the property's fair market value rent, taking into account the value of any associated property transferred by CBI as well as the value, if any, of the surrendered term of the RUE;

(B) include a provision—

(i) allowing recalculation of the amount of the payment required under this subsection, at the request of the Secretary or CBI, in the event of extraordinary unanticipated changes in conditions anticipated at the time the lease was finalized; and

(ii) providing for binding arbitration in the event the Secretary and CBI are unable to agree upon an adjustment to the payment in these circumstances.

(2) DISTRIBUTION.—Eighty percent of the payment to the United States required by this subsection shall be available to the Secretary, without further appropriation, for expenditure within the Park. The remaining twenty percent shall be deposited in the Treasury.

(3) APPLICABILITY OF CERTAIN LAW.—Section 321 of the Act of June 30, 1932 (40 U.S.C. 1302), relating to the leasing of buildings and property of the United States, shall not apply to the lease entered into by the Secretary pursuant to this Act.

SEC. 3. RETAINED USE ESTATE.

As a condition of the lease, CBI shall relinquish to the Secretary all rights under the RUE and transfer, without compensation, ownership of improvements covered by the RUE to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) will each control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. REYES. Mr. Speaker, I wish to commend our distinguished colleague from the Virgin Islands, a valuable member of our Committee on Natural Resources and the chairwoman of our Insular Affairs Subcommittee, DONNA CHRISTENSEN, for sponsoring the pending legislation, H.R. 1143.

The bill would authorize the National Park Service to continue its successful relationship with Caneel Bay Resort, ensure that park resources are protected, and allow the resort to undertake needed maintenance and improvement programs that will benefit visitors to Virgin Islands National Park and the Caneel Bay Resort well into the future.

Congresswoman CHRISTENSEN deserves our thanks for her work in ensuring that visitor services at Virgin Islands National Park are available and that resources are protected.

I fully support passage of the pending bill and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 1143 and yield myself such time as I may consume.

This has been adequately explained by Chairman RAHALL. We support this legislation.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I yield such time as she may consume to the gentlelady from the Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the chairman for yielding.

Mr. Speaker, I rise in, of course, strong support of H.R. 1143, legislation I introduced to authorize the Secretary of the Interior to enter into a new arrangement, a lease with the owners of Caneel Bay Resort in my congressional district.

I want to also thank Chairman RAHALL as well as Chairman GRIJALVA for not only supporting the passage of this bill, but for traveling to my district to see for themselves the importance of Caneel Bay to the island and to the people of St. John.

Mr. Speaker, Caneel Bay traces its roots to Laurence Rockefeller's coming to the island of St. John in 1952. He purchased the then-existing resort facilities and also acquired more than 5,000 surrounding acres to protect the area. In 1956, he donated the additional land to create the Virgin Islands National Park. At the same time, he created Caneel Bay Resort, comprising 170 acres, which continues to complement and to be environmentally consistent with the natural beauty of the park's setting.

Mr. Rockefeller subsequently decided to transfer the land underlying Caneel Bay to the National Park Service, while retaining the improvements and continuing the Caneel Bay operations. He accomplished this through the execution of a series of unique agreements generally known as a retained use estate, or RUE.

H.R. 1143 became necessary because the RUE is slated to expire in 2023, and its current owners require more than the remaining 15 years to provide the capital and long-term financing necessary to reverse the decline of the facilities over the years and to return it to the grandeur and stature that it deserves.

Mr. Speaker, other than the Virgin Islands National Park, Caneel Bay Resort is perhaps the single most important entity to the tourism-based economy of St. John, and it's also important to the economy of the Virgin Islands in general. It is not an exaggeration to say that Caneel Bay helped to establish the U.S. Virgin Islands, and the Island of St. John in particular, as a major tourist destination point, playing a prominent role in the island's economic renaissance of the mid-1900s.

□ 1415

Since its founding in October of 1956, it has been and remains a paradise of choice for generations of families, many of whom return every year.

It's also the largest employer on St. John, employing approximately 475 workers, many of whom spend their entire career spanning two or three decades, and some even more than that as employees of Caneel.

In conclusion, Mr. Speaker, I want to thank the Natural Resources staff director, Jim Zoia, and the staff of the National Parks, Forest and Public Lands Subcommittee, in particular former staff director Rick Healy and current staff director Dave Watkins, for their hard work in making it possible for H.R. 1143 to be on the floor today. I also want to thank the full committee ranking member, DON YOUNG, and subcommittee ranking member, ROB BISHOP, and their staffs for their support as well.

I urge my colleagues to support the passage of this bill, which is very important to the economy of the Virgin Islands.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1143, as amended.

The question was taken.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

NEVADA CANCER INSTITUTE EXPANSION ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1311) to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1311

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 ''Nevada Cancer Institute Expansion Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALTA-HUALAPAI SITE.—The term ''Alta-Hualapai Site'' means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.); and

(B) identified on the map as the ''Alta-Hualapai Site''.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term ''Institute'' means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term ''map'' means the map titled ''Nevada Cancer Institute Expansion Act'' and dated July 17, 2006.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term ''Water District'' means the Las Vegas Valley Water District.

SEC. 3. LAND CONVEYANCE.

(a) SURVEY AND LEGAL DESCRIPTION.—The city shall prepare a survey and legal description of Alta-Hualapai site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(b) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(c) CONVEYANCE FOR USE AS NON-PROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a non-profit cancer institute.

(d) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai site necessary for ancillary medical or non-profit use compatible with the mission of the Institute.

(e) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this Act shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(f) TRANSACTION COSTS.—All land conveyed by the Secretary under this Act shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(g) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

SEC. 4. RIGHTS-OF-WAY.

Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights of way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

SEC. 5. REVERSION.

Any property conveyed pursuant to this Act which ceases to be used for the purposes specified in this Act shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, H.R. 1311, introduced by our colleague from Nevada, Representative SHELLEY BERKLEY, authorizes the Secretary of the Interior to convey 80 acres of land in Las Vegas, Nevada, to the nonprofit Nevada Cancer Institute. The bill also authorizes a limited conveyance to the city of Las Vegas for the development of medical facilities affiliated with the cancer institute.

I commend our colleague, Representative BERKLEY, for her leadership on this matter and her willingness to work with the committee to address a number of issues raised with the legislation.

I support passage of H.R. 1311 and urge its adoption by the House.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 1311, and I yield myself such time as I may consume.

This has also been adequately explained by Chairman RAHALL. We support this legislation. I would like to note that this legislation is an example of how local control of public land benefits our communities, and I hope the majority will support us as we explore similar ways to empower our constituents.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1311, as amended.

The question was taken.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL ENHANCEMENT ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3111) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3111

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 ''Port Chicago Naval Magazine National Memorial Enhancement Act of 2008''.

SEC. 2. PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.

Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431; 106 Stat. 4235) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following new subsections:

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

''(1) the land is excess to military needs; and

''(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

''(e) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the Memorial.''; and

(3) in subsection (f), (as redesignated by paragraph (1)), by striking ''Secretary of the Navy to provide public access to the Memorial.'' and inserting ''Secretary of Defense to provide as much public access as possible to the Memorial without interfering with military needs.''.

SEC. 3. SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.

(a) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by section 2, the Secretary of Defense should promptly remediate remaining environmental contamination related to the land.

(b) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to—

(1) repair storm damage to the Port Chicago site; and

(2) develop a process by which future repairs and necessary modifications to the site can be achieved in as timely and cost-effective a manner as possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to bring to the House for its consideration this legislation that's sponsored by the former chairman of the Committee on Natural Resources and current chairman of the Committee on Education and Labor, Representative GEORGE MILLER.

This bill provides that the Port Chicago Naval Magazine Memorial be managed as a unit of the National Park System. Currently, the area is managed as an affiliated site by the National Park Service.

On July 17, 1944, 320 men, 202 of whom were African American sailors, were killed in an explosion at the Port Chicago Navy ammunition loading base in the San Francisco Bay area. This was the largest homeland disaster during World War II.

In 1992, Congress designated the Port Chicago Naval Magazine Memorial. The pending measure furthers that commitment by providing that the Port Chicago Naval Magazine Memorial be managed as a unit of the National Park System.

Mr. Speaker, I urge support for H.R. 3111, and I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 31, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: On October 10, 2007, the Committee on Natural Resources ordered H.R. 3111, the ''Port Chicago Naval Magazine National Memorial Enhancement Act of 2007,'' to be reported. As you know, this measure contains certain provisions that are within the jurisdiction of the Committee on Armed Services, and thus, was sequentially referred to the Committee on Armed Services by the Parliamentarian for the House.

Our Committee recognizes the importance of H.R. 3111 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 3111. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees,

I would appreciate the inclusion of this letter and a copy of the response in your Committee's report on H.R. 3111 and the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, February 5, 2008.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 3111, which provides for the administration of the Port Chicago Naval Magazine National Memorial as a unit of the National Park System.

I appreciate your willingness to waive rights to further consideration of H.R. 3111, and am pleased that mutually agreed upon language was developed for this legislation. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

Although the Committee's report on H.R. 3111 has already been filed, this exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 3111, and I yield myself 15 seconds.

The chairman has adequately explained the bill. It's a good bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Port Chicago Naval Magazine National Memorial Enhancement Act, a bill that ensures that the stories of Port Chicago will be preserved and that the site will be properly maintained for generations to come. This bill will increase the National Memorial's accessibility, provide additional visitor services, and help ensure long-term preservation of the site.

The legislation before us today is the result of months of diligent and collaborative effort, for which I want to thank: Chairman NICK RAHALL of the Natural Resources Committee, and ranking member DON YOUNG; Chairman RAÚL GRIJALVA of the National Parks, Forests, and Public Lands Subcommittee, and ranking member ROB BISHOP; Chairman IKE SKELTON of the Armed Services Committee, and ranking member DUNCAN HUNTER; and the

thoughtful and hard-working staff for the two committees, including Meghan Conklin, Dave Watkins, and David Sienicki, and my own legislative director, Ben Miller.

The Port Chicago memorial, which is in my district, commemorates a very important story in American history.

The deadly munitions explosion there on the night of July 17, 1944, killed more than 300 people—the worst homefront disaster of World War II.

When sailors were ordered to resume work a few weeks later, most of them refused to return to their dangerous tasks until supervision, training, and working conditions were improved.

In response, the Navy charged 50 men with conspiring to mutiny—all were convicted.

The majority of the men killed while handling ordinance at Port Chicago, and all of those convicted of mutiny, were African-American.

The Port Chicago story was a turning point in American history. The injustice strongly influenced the Navy's move toward desegregation in 1945.

The Port Chicago memorial tells that story, and I am proud to have authored the legislation designating the memorial, as I am proud to be involved in enhancing it with this legislation.

At our hearing in Mr. GRIJALVA's subcommittee last fall, we heard from the National Park Service, in support of this bill; from Dr. Robert Allen, who literally wrote the book on Port Chicago and is a board member of the Friends of Port Chicago; and Mr. Eugene Sayles, who was a seaman first class at Port Chicago and helped to get injured men out of the barracks after the explosion.

As they and others have said, the Port Chicago Naval Magazine National Memorial tells a critical story in our civil rights and military history, and with this legislation, we are ensuring that more Americans will hear the Port Chicago story.

The National Parks Conservation Association has also strongly supported this legislation, pointing to the "broad local and national support" for the effort, and noting that the Port Chicago memorial deserves elevation to its "rightful place as a fully-fledged unit of the National Park System."

The new designation under this bill brings with it increased stature—and more importantly, the Park Service will be able to budget for the memorial's needs.

In addition, the bill provides for an interpretive center for the Memorial—this facility will allow school groups, families, and other visitors to learn about Port Chicago even if they can't access the site, which is located within the Concord Naval Weapons Station.

Again, I want to thank Chairman GRIJALVA, Chairman RAHALL, Chairman SKELTON, and their staff for helping us bring this important legislation to the floor today.

Mr. BISHOP of Utah. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3111, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HUNTING IN NEW RIVER GORGE NATIONAL RIVER

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5137) to ensure that hunting remains a purpose of the New River Gorge National River.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5137

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

SECTION 1. HUNTING IN NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended in the first sentence by striking ''may'' and inserting ''shall''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, the New River Gorge National River in southern West Virginia was designated as a unit of the National Park System in 1978. At times referred to as the ''Grand Canyon of the East,'' we in West Virginia refer to the Grand Canyon as the ''New River Gorge of the West.''

The national river is comprised of over 70,000 acres of mostly rugged terrain and is renowned as a destination for its world-class whitewater recreation, rock climbing, and other outdoor activities. But it is also a place where generations of West Virginians have hunted and fished.

Unfortunately, the National Park Service, as part of the development of a new general management plan for the park unit, has included a no-hunting alternative. It is doing so because legislation which establishes the New River Gorge National River states that hunting ''may'' be permitted.

The enabling statute for the nearby Gauley River National Recreation Area, on the other hand, states that hunting ''shall'' be allowed. In fact, this is the case for the vast majority of the 62 units of the National Park System in which hunting is permitted.

The bill we are considering today simply changes the ''may'' to a ''shall'' in the law which established the New River Gorge National River. While there is no doubt in my mind that the current superintendent of this park unit will do the right thing and allow hunting to continue in the final general management plan, this is too important of an issue to remain at the discretion of future managers of the park unit.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 5137, and I yield myself such time as I may consume.

When credit is earned, credit needs to be given where it is due, and Chairman RAHALL has a wonderful bill. I am totally supportive of his efforts, and it's an excellent bill.

This ensures that hunting rights will continue in this great area, the New River Gorge National River. I am encouraged to see that many of my colleagues on the other side appreciate the importance of hunting and the benefit it has on public lands even within the Park Service System. And I hope that the chairman will join with us as we work to ensure second amendment hunting rights on Federal lands are secured in the other 49 States as well. I am confident that we can build a consensus around State and local control of hunting and deliver the rights that this legislation ensures to the Federal land around this particular entity.

As I said, I am totally in support of this bill. I think it's an excellent bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5137.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 60TH ANNIVERSARY OF EVERGLADES NATIONAL PARK

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 845) recognizing the 60th anniversary of Everglades National Park, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 845

Whereas Everglades National Park celebrated its 60th anniversary on December 6, 2007;

Whereas when President Harry S. Truman dedicated Everglades National Park on December 6, 1947, he stated: ''Here is land, tranquil in its quiet beauty, serving not as the source of water, but as the last receiver of it.

To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country'';

Whereas Marjory Stoneman Douglas gave the Everglades the name ''River of Grass'' stating, ''There are no other Everglades in the world'';

Whereas Everglades National Park has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance, in recognition of its significance to all the people of the world;

Whereas the Everglades ecosystem encompasses 3,000,000 acres of wetlands and is the largest subtropical wilderness in the United States featuring slow-moving freshwater that flows south from Lake Okeechobee through sawgrass and tree islands to the mangroves and seagrasses of Florida Bay;

Whereas Everglades National Park is home to rare and endangered species, such as the American crocodile, the Florida panther, and the West Indian manatee, and more than 350 species of birds, including the Great Egret, Wood Stork, Swallow-tailed Kite, and Roseate Spoonbill;

Whereas the Central and South Florida region is an international center for business, agriculture, and tourism, with a rapidly growing population of varied ethnic, economic, and social values, all of which are dependent on a sustainable framework for the water resources of the region to restore the Everglades ecosystem, provide adequate freshwater supplies, and promote a healthy and sustainable economy and overall quality of life;

Whereas Everglades National Park is an essential component of a larger ecosystem restoration effort, the Comprehensive Everglades Restoration Plan, which has been described as the world's largest ecosystem restoration project; and

Whereas this restoration effort must succeed in order to restore the natural Everglades ecosystem and ensure that the treasures of Everglades National Park can be passed on to our children and grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of Everglades National Park; and

(2) dedicates itself to the success of the Comprehensive Everglades Restoration Plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, the pending resolution, introduced by our colleague from Florida, Representative ALCEE HASTINGS, recognizes the 60th anniversary of the Everglades National Park. It is the first of two resolutions the House is considering this afternoon in tribute to the Everglades.

The landscape of the Everglades is completely unique, a grassy river 40 miles wide and 100 miles long. While half of this wonderful landscape has been lost to agriculture, much of the remaining portions of this famed ''River of Grass'' are now protected by the Everglades National Park.

I commend and congratulate our colleague, Representative ALCEE HASTINGS, for keeping the issues facing the Everglades in the spotlight. I fully support passage of H. Res. 845 and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on House Resolution 845, and I yield myself such time as I may consume.

This bill, once again, has been adequately explained by Chairman RAHALL, and I urge the adoption of this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Res. 845, as amended, recognizing the 60th anniversary of the Everglades National Park.

Former Florida Governor Reubin Askew once stated, ''We must build a peace in south Florida—a peace between the people and their place, between the natural environment and man-made settlement, between the creek and the canal, between the works of man and the life of mankind itself.''

Indeed, the natural areas surrounding and encompassing Everglades National Park represent the largest subtropical wilderness in the United States featuring slow-moving freshwater. The Everglades are naturally unique and provide tremendous benefits to south Florida in many capacities, but the park is also one of the most endangered national parks in our country.

The Park totals more than 1 million acres, and the Everglade ecosystem itself encompasses 3 million acres of wetlands. More than 1 million visitors come to the Everglades each year, learning of the Everglades environmental importance while igniting the State's tourism industry.

The Committee on Transportation and Infrastructure has a long history of oversight of the Everglades restoration. The Water Resources Development Act of 2007, P.L. 110–114, authorized the first three projects in the Comprehensive Everglades Restoration Project—Picayune Strand, Indian River Lagoon, and the Site 1 Impoundment Project. Support for provisions like these was so strong that this Congress overrode the President's veto of the bill by a vote of 381–40, an overwhelming majority of the House of Representatives.

We must continue to take action to preserve and protect this treasured wetland. This resolution reminds us of this precious natural resource, and I urge my colleagues to join me in agreeing to the resolution.

Mr. MACK. Mr. Speaker, I rise today to celebrate one of the Nation's greatest treasures and to express my continued support for this important resolution introduced by my colleague from Florida which recognizes the 60th anniversary of Everglades National Park. It is our responsibility to ensure that a healthy and vibrant Everglades is there for future generations.

In addition to being an international center for business, tourism, and agriculture, the Everglades is the largest subtropical wilderness in the United States and is home to numerous rare and endangered species. Growing up in southwest Florida and so close to the Everglades, I was able to experience all the Everglades has to offer.

This resolution recognizes the continuing impact the Everglades has made on individuals throughout the world with the inception of the Comprehensive Everglades Restoration Plan, CERP. The Comprehensive Everglades Restoration Plan is one of the most extensive ecosystem restoration efforts ever created which will restore and protect one of our Nation's greatest natural resources. CERP's main goal is to capture fresh water that now flows to the ocean and the Gulf of Mexico and redirect it to the areas that need it most. The majority of water will be devoted to environmental restoration, and the rest will enhance water supplies in south Florida. Make no mistake: the Everglades and Florida's unique environment are vital to our quality of life.

Mr. Speaker, protecting the Everglades is important for the overall health of south Florida's environment and way of life. It is our responsibility to ensure that a healthy and vibrant Everglades is there for our children and grandchildren. I urge all of my colleagues to recognize and support this important bipartisan resolution.

Ms. WASSERMAN-SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 845 recognizing the 60th anniversary of Everglades National Park.

Not coincidentally, it was also 60 years ago that Marjory Stoneman Douglas famously said in her book, the ''River of Grass,'' that ''there are no other Everglades in the world.'' As we celebrate the 60th anniversary of the creation of the park, we must come to terms with the critical threats facing this unique ecosystem and re-dedicate ourselves to Everglades restoration. Let us not lose this truly unique national treasure forever.

In 2000, we created the Comprehensive Everglades Restoration Plan, embarking on a historic Federal-State partnership with Florida to restore historic water flows, dramatically reduce water pollution and address development encroachment that threatens both the National Park and the larger Everglades.

However, most of the more than 50 component projects that are part of the Restoration Plan are already behind schedule. For 7 years Congress has largely failed to follow through on its part of the bargain in both authorizing projects and funding those projects. This is not an auspicious start.

I am happy to say, this is beginning to change. With passage of the Water Resources Development Act in 2007, we authorized several important components of the restoration plan. But our work is far from done. I call on my colleagues to work with me and the entire Florida delegation to make sure we properly fund this restoration work. Together we must ensure that 60 years from now we will be remembered as those that breathed new life into Marjory Stoneman Douglas's vision and saved the Everglades for generations to come.

Mr. Speaker, I urge my colleagues to support House Resolution 845 and vote for its final passage.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of House Resolution 845, a resolution recognizing the 60th anniversary of Everglades National Park. I

proudly introduced this resolution with my colleague and fellow co-chair of the Everglades Caucus, Representative MARIO DIAZ-BALART.

I applaud Representative DIAZ-BALART for his commitment to working together to preserve and restore the Everglades.

I thank the chairman of the Committee on Natural Resources, Representative NICK RAHALL, a true champion of protecting our Nation's natural resources, especially our majestic national parks, for his support for protecting Florida's environment.

I also would like to thank the ranking member of the Committee, Representative DON YOUNG, for his support as well.

The bipartisan support this resolution enjoys is reminiscent of the past and present bipartisan support Everglades restoration efforts enjoy.

Today we honor the 60th anniversary of Everglades National Park. The park, which spans 3 million acres of wetlands, is habitat to many endangered species and is an international center for business, agriculture, and tourism.

Our work to restore the Everglades is the largest restoration effort of its kind in history.

As a fifth generation Floridian and great grandson of a Creek Indian, my passion for these majestic wetlands extends back to my birth.

I have seen species that have since become endangered, and a living ecosystem that has since been degraded by management and development activities.

Regrettably, since the passage of landmark legislation in 2000, restoration efforts in Congress have been mired. Now the Everglades is paying a hefty price for Federal delays. Expected project completion timeframes have been shifted, and the restoration price tags increased.

With new perspectives and new priorities, Congress is again reaffirming our commitment to the Everglades.

Just last November, Congress overrode a President Bush veto and passed the Water Resources Development Act of 2007, authorizing $1.8 billion in Everglades restoration funding.

As we pause to celebrate the anniversary of the Everglades National Park today, we enhance our vigilant efforts to restore the park to the pristine ecosystem it once was.

I thank the leadership of the House for their work on this bill, and urge my colleagues to support this resolution.

Ms. CASTOR. Mr. Speaker, ''Here are no lofty peaks seeking the sky, no mighty glaciers or rushing streams wearing away the uplifted land. Here is land, tranquil in its quiet beauty, serving not as the source of water, but as the receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country.''

These were the words of Harry Truman, 60 years ago at the dedication of the Everglades National Park. And it is in the same spirit that I support H. Res. 845, recognizing the 60th anniversary of Everglades National Park. The Everglades are a completely unique treasure for Floridians, and all Americans. So it is fitting that they should also be unique in the national park system. The Everglades were the first unit of the park system to be designated not for their scenic beauty alone, but for the extraordinary diversity of their wildlife.

One of the largest bodies of fresh water in the United States, Lake Okeechobee, sits at the top of the Everglades. During the wet season, Okeechobee slowly pours water over its southern edge, and it flows out in a slow flood that slides south and spreads out over hundreds of square miles. The water flows south, but very slowly, sometimes as little as a hundred feet in a day. And it is remarkably shallow, as little as a foot in depth, which allows the incredible diversity of plant and animal life, unrivaled in the Nation.

In 1947, when Marjory Stoneman Douglas published ''Everglades: River of Grass'' and Harry Truman dedicated the Everglades as part of the parks system, it was with the intention of preserving the Everglades for future generations. Douglas continued to fight for the Everglades for the rest of her life, and she led an ever growing chorus of voices, advocating for our environment. The Everglades became a touchstone for an entire movement of Floridians and other Americans who continue to fight to save our natural places, not only for future generations, but also for their own sake.

Unfortunately, the Everglades still faces threats of the attrition of development, and the redirection of its waters. In the Water Resources Development Plan of 2000, Congress included a comprehensive restoration plan to bring the Everglades back to its natural state. The Everglades remain one of the Nation's greatest natural treasures, and I am proud to stand in recognition today of their 60th anniversary as part of the park system.

Mr. BISHOP of Utah. I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF MARJORY STONEMAN DOUGLAS, CHAMPION OF THE FLORIDA EVERGLADES AND FOUNDER OF FLORIDA'S ENVIRONMENTAL MOVEMENT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 807) honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 807

Whereas Marjory Stoneman Douglas was born on April 7, 1890, in Minneapolis, Minnesota, the daughter of Frank Stoneman, the first publisher of the Miami Herald;

Whereas Marjory Stoneman Douglas graduated from Wellesley College in 1912 where she was a member of the literary group Scribblers, editor-in-chief of the yearbook, and served on the executive board of the Equal Suffrage League;

Whereas Marjory Stoneman Douglas served in the Red Cross in Europe during World War I;

Whereas Marjory Stoneman Douglas moved to Miami in 1915 and became a reporter and writer at The Miami Herald where she wrote about progressive issues such as the fight for women's rights, racial justice, and environmental conservation;

Whereas Marjory Stoneman Douglas wrote dozens of short stories that were published in the Saturday Evening Post, Collier's, and Woman's Home Companion throughout the 1920s, 30s, and 40s;

Whereas in 1947 Marjory Stoneman Douglas wrote a ground-breaking book titled The Everglades: River of Grass that helped to draw national attention to a vast and little-known area that South Florida developers had deemed a worthless swamp;

Whereas in the same year, Marjory Stoneman Douglas' book mustered the public support to guard this subtropical marshland through a declaration from President Harry Truman, officially protecting the Everglades as a National Park;

Whereas at the age of 78, Marjory Stoneman Douglas founded the Friends of the Everglades, an educational and advocacy group dedicated to the protection and restoration of this ecosystem that continues to be at forefront of Florida conservation;

Whereas in November 1993, President Bill Clinton awarded Marjory Stoneman Douglas the Presidential Medal of Freedom, the highest honor given to a civilian;

Whereas 2007 marked the 60th anniversary of the publication of her book, The Everglades: River of Grass; and

Whereas Marjory Stoneman Douglas passed away in 1998 living to the age of 108, her ashes scattered in the Everglades she worked so tirelessly to preserve: Now, therefore, be it

Resolved, That the House of Representatives honors the life, achievements, and distinguished career of Marjory Stoneman Douglas, pioneer in the field of conservation, on the occasion of the 60th anniversary of the publication of The Everglades: River of Grass.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

□ 1430

Mr. RAHALL. Following on the heels of the resolution just considered by the House, this resolution honors the life, accomplishments, and distinguished career of Marjory Stoneman Douglas, the ''Grande Dame of the Everglades,'' on the 60th anniversary of the publication of her book, The Everglades: River of Grass. House Resolution 807 was introduced by our colleague from Florida, Representative ILEANA ROS-LEHTINEN, and is cosponsored by every member of the Florida delegation.

Marjory Stoneman Douglas was an author, journalist, and environmental conservationist, best known for her advocacy for the preservation of the Florida Everglades. Her best known work, The Everglades: River of Grass, is considered a classic example of environmental writing and is credited with bolstering public support for preserving the Everglades as a National Park.

I support passage of H. Res. 807 and urge its adoption by the House.

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

Mr. BISHOP of Utah. I also rise in support of House Resolution 807 and yield myself such time as I may consume.

This resolution has been well explained by the chairman, and I would also like to commend the Congresswoman from Florida (Ms. ROS-LEHTINEN) for her work on this resolution. What is most extraordinary about Marjory Stoneman Douglas is that she did not take a central role the Everglades fight until she was 78, an age when most people begin to settle into their retirement, and she would continue her fight for another 30 years, until the age of 108.

I urge the adoption of this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of House Resolution 807, a resolution honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement. I am proud to have introduced this resolution with my colleague and good friend, Representative ILEANA ROS-LEHTINEN. I share Representative ROS-LEHTINEN's desire to recognize and commemorate the significance of Marjory Stoneman Douglas's lifelong work to promote awareness of the need to protect and conserve Florida and the entire Nation's natural resources.

As co-chair of the Everglades Caucus, I particularly share Ms. Douglas's passionate commitment to restoring the River of Grass to the pristine ecosystem it once was.

Ms. Douglas deserves much credit for raising awareness of the importance of these majestic wetlands and making restoration efforts a national priority. In 1947 she wrote the infamous book, ''The Everglades: River of Grass,'' which helped draw national attention to the Everglades. This book is responsible for initiating public support for President Harry Truman's 1947 declaration officially protecting the Everglades as a national park. Today, this book serves a the ''bible'' for all Everglades supporters and environmental activists around the world.

Ms. Douglas is also responsible for founding the Friends of the Everglades, an educational and advocacy group dedicated to the protection and restoration of the Everglades. Through the group's ecosystem conservation efforts, Ms. Douglas's legacy lives on.

This resolution enjoys bipartisan support from every Member of the Florida delegation. The support this resolution enjoys indicates the respect our delegation has for Ms. Douglas's lifelong work and the impact of her contributions on the entire State of Florida.

I am proud to join Representative ROS-LEHTINEN in introducing this bipartisan resolution and pledge to carry on Ms. Douglas's legacy effort by continuing to champion Everglades restoration efforts in Congress.

I urge my colleagues to adopt this excellent resolution.

Ms. CASTOR. Mr. Speaker, I strongly support H. Res. 807, honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades, and founder of Florida's environmental movement. Marjory Stoneman Douglas's life was dedicated to the idea that my State of Florida, and indeed the United States has a great treasure in the Everglades, unlike any other in the world. When others were looking at the land of the Everglades with the hope of draining away the water, and building on the land, Marjory Stoneman Douglas allowed all of us to see Florida the way she saw it, in its utterly unique natural majesty. When she spoke, it was with the voice of the Everglades, and the natural places of Florida.

Marjory Stoneman Douglas was a tireless advocate since her youth, writing as a voice for the voiceless and downtrodden, and fighting for equality of people of all races, genders, and for the conservation of the natural places. But it was not until she was almost 60 years old, that she wrote ''Everglades: River of Grass.'' That book, in the simplicity, beauty and depth of its prose, opened the eyes of America to the significance of the Everglades, and the great danger of allowing that treasure to be squandered. Marjory Stoneman Douglas wrote ''Everglades: River of Grass in 1947.'' By December of that year, the Everglades had been dedicated as a part of the National Parks System.

Marjory Stoneman Douglas devoted her life to preserving the Everglades she had first helped to bring into American consciousness. She fought to prevent shortsighted development that would have permanently damaged the Everglades, and to restore the park to its former majesty. In her autobiography, she wrote that ''Since 1972, I've been going around making speeches on the Everglades. No matter how poor my eyes are I can still talk. I'll talk about the Everglades at the drop of a hat. Whoever wants me to talk, I'll come over and tell them about the necessity of preserving the Everglades.''

She began ''Everglades: River of Grass'' by writing, ''there are no other Everglades in the world. They are, they have always been, one of the unique regions of the earth.'' In the same way, there was only one Marjory Stoneman Douglas. She was a unique individual, in the conservation movement, and we in Florida, and in the United States, owe her a great debt. We are proud to honor her life and her work today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 807, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ORCHARD DETENTION BASIN FLOOD CONTROL ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 816) to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 816

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 ''Orchard Detention Basin Flood Control Act''.

SEC. 2. RELEASE OF CERTAIN LAND IN THE SUNRISE MOUNTAIN INSTANT STUDY AREA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 65 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is—

(1) known as the ''Orchard Detention Basin''; and

(2) designated for release on the map titled ''Orchard Detention Basin'' and dated March 18, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. The pending measure was introduced by our colleague from Nevada, Representative JON PORTER. It authorizes the release of a 65-acre section of the Sunrise Mountain Instant Study Area from wilderness study, to be used for construction and maintenance of a floodwater retention basin, known as the Orchard Detention Basin Project.

The proposed Orchard Detention Basin Project is a part of the Clark County Regional Flood Control District's master plan to protect the rapidly growing Las Vegas Valley. The

project is designed to shield 1,800 acres of urban land from flooding. I have no objection to passage of H.R. 816.

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

Mr. BISHOP of Utah. Mr. Speaker, again I rise in support of H.R. 816 and yield myself such time as I may consume.

Let me first make a simple point of clarification. There is no such place as Nevada. There is, though, a Nevada in the western United States, and that is the issue of which we are speaking here.

H.R. 816 seeks to protect the citizens of Clark County, Nevada, from floods by releasing 65 acres from Sunrise Mountain Wilderness Study Area. This is a critical need for one of the fastest growing areas of the United States. Title to the land will remain with the Bureau of Land Management. I would strongly encourage BLM to act expeditiously in granting Clark County a right-of-way to this acreage so the flood control operations can start soon.

I would also like to commend Congressman PORTER and his staff for their work on this legislation. I urge passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 816, as amended.

The question was taken.

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

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

BOUNTIFUL CITY LAND CONSOLIDATION ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3473) to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3473

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 ''Bountiful City Land Consolidation Act''.

SEC. 2. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) LAND EXCHANGE AUTHORIZED.—If the City of Bountiful, Utah (in this section referred to as the ''City''), conveys to the Secretary of Agriculture all right, title, and interest of the City in and to three parcels of land consisting of a total of approximately 1,680 acres identified on the map entitled ''Bountiful City Land Consolidation Act'', the Secretary may convey to the City in exchange all right, title, and interest of the United States in and to such quantity of National Forest System land located in the Wasatch-Cache National Forest in Township 2, North, Range 1 East, Salt Lake Meridian, and identified for possible conveyance on the map such that the value of the land acquired by the Secretary is equal to the value of the Federal land conveyed. The value of the Federal and City lands to be exchanged shall be determined by an appraisal carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized by subsection (a).

(d) MANAGEMENT OF ACQUIRED LAND.—The lands acquired by the Secretary under subsection (a) shall be added to and administered as part of the Wasatch-Cache National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) and the laws and regulations applicable to the National Forest System.

(e) BONNEVILLE SHORELINE TRAIL AND OTHER RIGHTS-OF-WAY.—In making the land exchange authorized by subsection (a), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail. The Secretary and the City may reserve such other rights-of-way for utilities, roads, and trails as they may agree upon and which they consider to be in the public interest.

(f) TREATMENT OF REMAINING FEDERAL LAND.—

(1) DISPOSAL AUTHORITY.—In the case of any National Forest System land identified for possible conveyance on the map referred to in subsection (a) and not exchanged under such subsection, the Secretary may dispose of all or a portion of the remaining land upon a determination by the Secretary, pursuant to an amendment of the land and resource management plan for Wasatch-Cache National Forest and a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that the land or portion thereof is in excess to the needs of the National Forest System.

(2) CONSIDERATION.—As consideration for any conveyance of land under this subsection, the Secretary shall require an amount equal to not less than the fair market value of the conveyed land.

(3) RELATION TO OTHER LAWS.—Any conveyance of land under this subsection by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(4) DISPOSITION OF PROCEEDS.—Funds received by the Secretary as consideration under paragraph (2) shall be deposited into the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). Funds so deposited shall remain under the control of the Secretary and be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to such additional terms and conditions as the Secretary and the City may agree upon, and any conveyance under subsection (f) shall be subject to such additional terms and conditions as the Secretary may require.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. The pending legislation is sponsored by a valuable member of the Natural Resources Committee, who is the ranking member on the Subcommittee on National Parks, Forests, and Public Lands, and who was instrumental in teaching me how to pronounce the State of Nevada's name, the gentleman from Utah, Mr. ROB BISHOP.

It is my privilege to call this bill up for consideration by the House today. The measure would facilitate a land exchange between the Secretary of Agriculture and the City of Bountiful, Utah. I will leave it to the gentleman from Utah to further explain his bill. Suffice it to say that I do urge its adoption by the House.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 3473 and again yield myself such time as I may consume.

This, along with Chairman RAHALL's bill, are the two brilliant bills of this particular package. I can't say more. On behalf of my constituents who reside in Bountiful, Utah, I express my appreciation for the consideration of this bill today. It has been a long time in coming. My office has been involved in negotiations with the city, as well as the United States Forest Service, for the last 3 years.

For nearly 20 years, the City has commenced and called off multiple attempts to exchange this land administratively, primarily due to change in personnel within the local office in Utah. That is why we are doing this legislatively now.

We finally have before us, I think, a direct land exchange which does several things. It increases the equal value exchange between Bountiful and the United States Forest Service. Bountiful City will give 1,600-plus acres to the Forest Service. The Forest Service will exchange part of a 220-acre parcel that is in the city limits, balance their contiguous area, and also has the ability of protecting a gun range, which is extremely important in that particular area, a shoreline trail, and the Davis Aqueduct within Davis County.

This bill allows for a process to move forward to allow the Forest Service to deal with any lands not consumed by this exchange. My goal in drafting this bill is not to create a long-term management issue, either for Bountiful or the Forest Service. I believe this bill accomplishes both the letter and the spirit of that particular goal.

I also wish to express my appreciation for the many staff hours which have gone into this particular bill. I also express appreciation to city officials in Bountiful for their patience, their willingness to work in good faith with our office, as well as the United States Forest Service, and especially the majority staff on our committee.

It is a good bill, and it does move the process of dealing with these particular land exchanges forward. It makes it easier to manage for both the Forest Service as well as the City of Bountiful. I urge passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3473, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMEMORATING THE 200TH ANNIVERSARY OF CONGRESSIONAL CEMETERY

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 698) commemorating the 200th anniversary of Congressional Cemetery.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 698

Whereas 2007 is the 200th anniversary of the founding of Congressional Cemetery;

Whereas Congressional Cemetery, first called the Washington Parish Burial Ground, was founded in 1807 near the banks of the Anacostia River in the District of Columbia and served the new federal city and a young America as its first unofficial national cemetery, predating Arlington National Cemetery by 70 years;

Whereas Congress was the primary developer of the cemetery through appropriations for road grading, fencing, building of the Public Vault and its Slate Path, and construction of the original Gatehouse, and Congress ultimately attached its name to the burial ground as early as the 1830's, referring to it as Congressional Cemetery;

Whereas within months of the establishment of the cemetery, the first burial of a Member of Congress took place when Senator Uriah Tracey (CT) died in Washington on July 19, 1807, and was interred the following day;

Whereas there are 19 Senators and 71 Representatives interred at Congressional Cemetery, and its cenotaphs, designed by second Architect of the Capitol Benjamin Latrobe, mark 165 sites to honor Members of Congress who died in office;

Whereas Congressional Cemetery holds more than 55,000 individuals in 30,000 burial sites marked by 14,000 headstones;

Whereas among those who have been buried at Congressional Cemetery are Vice Presidents George Clinton and Elbridge Gerry; Tobias Lear, personal secretary to George Washington; Commodore Thomas Tingey, first commandant of the Washington Navy Yard; William Wirt and William Pinckney, Attorneys General of the United States; Generals Jacob J. Brown and Alexander Macomb of the U.S. Army; General Archibald Henderson, longest-serving Commandant of the Marine Corps; Dr. William Thornton, who originally designed the United States Capitol and was the first Architect of the Capitol; George Watterston, third Librarian of Congress; Robert Mills, architect of the Washington Monument, the Department of Treasury Building, the Old Post Office, and the original U.S. Patent Office Building (current home of the National Museum of American Art and National Portrait Gallery); Philip P. Barbour, Speaker of the House of Representatives and Associate Justice of the Supreme Court; and 10 mayors of the City of Washington;

Whereas several prominent Native Americans who died while in Washington were buried at Congressional Cemetery, including Push-Ma-Ta-Ha, Chief of the Choctaws and a Brigadier General of the U.S. Army, and Kan Ya Tu Duta (or Scarlet Crow), a delegate of the Dakota Sioux;

Whereas among other significant figures in American history who are interred at Congressional Cemetery are Belva Lockwood, the first woman to practice law before the Supreme Court; conductor and composer John Philip Sousa; Adelaide Johnson, suffragette and sculptor of the ''Portrait Monument'' to Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony in the Rotunda of the Capitol; Civil War photographer Matthew Brady; silent film star Mary Fuller; and FBI Director J. Edgar Hoover;

Whereas the Congressional Cemetery was placed on the National Register of Historic Places on June 23, 1969;

Whereas the National Trust for Historic Preservation named Congressional Cemetery one of the 11 most endangered historical sites in America on June 16, 1997;

Whereas for over 30 years the cemetery has been managed by the nonprofit Association for the Preservation of Historic Congressional Cemetery, whose mission is to preserve, interpret, and honor this national treasure, significant District of Columbia landmark, and unique Capitol Hill asset; and

Whereas by working with community volunteers such as the Congressional Cemetery Dogwalkers Club, as well as with the Department of Veterans Affairs, the National Park Service, the Navy, and the Joint Military District of Washington, the Association for the Preservation of Historic Congressional Cemetery has made significant improvements to the cemetery: Now, therefore, be it

Resolved, That on the 200th anniversary of the founding of Congressional Cemetery, the House of Representatives recognizes and honors the cultural and historical importance of Congressional Cemetery and the value of protecting and restoring this national treasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. The pending resolution, introduced by our colleague from New York, Representative JAMES WALSH, and cosponsored by Representative FARR of California, recognizes and honors the cultural and historical importance of Congressional Cemetery here in Washington, DC, on the occasion of its 200th anniversary.

Established on the banks of the Anacostia River, Congressional Cemetery started as a neighborhood burial ground. But with the death and interment of Connecticut Senator Uriah Tracy in 1807, it became the favored place for burial for Members of Congress who passed away while Congress was in session. Seventy-one representatives and 19 Senators are buried at Congressional Cemetery. Other prominent citizens were buried there as well, including members of the Armed Forces, Mayors of Washington, DC, well-known Native Americans, architects, and artists.

I fully support passage of H. Res. 698 and urge its adoption.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on House Resolution 698 and will again yield myself such time as I may consume.

This bill has been very well explained by the chairman. Congressman WALSH, as well as the cosponsor, the gentleman from California, should be commended for their work on this particular bill. I urge its adoption.

At this time, I would like to yield such time as he may consume to the author of the bill, the gentleman from New York (Mr. WALSH).

Mr. WALSH of New York. Mr. Speaker, I would like to thank my distinguished friend from Utah (Mr. BISHOP) for yielding me time, and to the chairman of the committee, Mr. RAHALL, for the courtesy of bringing this bill up on suspension, and also my colleague and good friend from California, SAM FARR, for cosponsoring this bill.

I rise today in support of House Resolution 698, a resolution commemorating the 200th anniversary of the Congressional Cemetery. Nineteen Senators and 71 Representatives are interred at the cemetery, located at the corner of 18th Street and E in southwest Washington, as well as monuments to 120 Members of Congress who died while in office.

Congressional Cemetery, older than the more well-known Arlington National Cemetery, served as our Nation's

first unofficial national burial ground. In 1997, my good friend, Jim Oliver, who worked for many, many years in the Republican cloakroom and provided great service to this institution, brought the cemetery's poor condition to my attention, and at the same time, the National Trust for Historic Preservation named this cemetery one of America's most endangered places.

After personally visiting the cemetery back then, I understood why. Headstones were turned over, grass was 2 feet tall, trees had fallen onto buildings, and headstones had damaged the integrity of this sacred place. As chairman of the Legislative Branch Appropriations Subcommittee, I was in a position at the time to do something to save this piece of history from becoming history.

In fiscal year 1999 appropriations, the Congress appropriated $1 million for the creation of a special Congressional Cemetery trust fund to restore and sustain this treasured landmark. Money was raised to match these funds in the private sector, and that fund now pays for the constant maintenance in perpetuity for this cemetery.

Some of America's great historic figures are buried in Congressional Cemetery, including Vice President and Declaration of Independence signer Elbridge Gerry, whose name is carried into my home district of Elbridge, New York; civil war photographer Matthew Brady; composer John Philip Sousa; and perhaps the most famous, FBI Director J. Edgar Hoover is also buried there.

This legislation recognizes the work of the Association for the Preservation of Historic Congressional Cemetery, charged with management and preservation of this historic site, and pledges that this body will never again forget the cemetery's important role in the development of our Nation's government and cultural foundations. I urge its adoption, and I thank the Chair and the ranking member for their courtesy.

Mr. FARR. Mr. Speaker, I rise today to commend my colleague, Mr. WALSH, for his efforts in bringing attention to a marvelous memorial and historical site at the other end of the Capitol venue. I speak of the Congressional Cemetery and the resolution we consider today, H. Res. 698, to commemorate the cemetery's 200th anniversary.

Many people think of cemeteries as dreary places. But I see them differently. Cemeteries are the great repositories of more than just the long dead. They are centers of civilization.

They teach us about our heroes.

They teach us about our faith.

They give us clues about our culture and architecture and art.

They are our history all wrapped up in one place. Places like this deserve to be preserved and appreciated.

The Congressional Cemetery was first established to accommodate the repose of our predecessors who met their end while in Washington. Back in those days refrigeration was not available and the deceased had to be dealt with quickly. Many members, so far from home, needed a resting place of some dignity. The Congressional Cemetery became that place.

The cemetery passed out of congressional control and unfortunately later fell into neglect and disarray. More recently a local effort by neighbors and community renewed interest in the history of the cemetery and that, I believe, is evidence of a reinvigorated dedication to what ultimately unites us all: our humanity, our mortality.

And what a wonderful thing that it can be manifested in such a magnificent surrounding! This cemetery has many famous residents, not the least of whom is John Phillip Sousa. I can think of no other artist who knew that to feel most alive, you need music. I am tickled to know that every year on Sousa's birthday there is a musical celebration at his gravesite honoring him and the very American music he gave to our country.

Mr. Speaker, I am proud to be a cosponsor of H. Res. 698 and commend it to my colleagues with gusto. I hope each of you will take a walk down to the cemetery, visit our forbears and revel in the history of this site with quiet reflection. Take your time, too: there's 200 years of history to catch up on.

Mr. BISHOP of Utah. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 698.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1922) to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1922

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 ''Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term ''Lighthouse'' means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term ''Local Partners'' includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 4(a).

(5) MAP.—The term ''map'' means the map entitled ''Jupiter Inlet Lighthouse: Outstanding Natural Area'' and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Jupiter Inlet Lighthouse Outstanding Natural Area established by section 3(a).

(7) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

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

(9) STATE.—The term ''State'' means the State of Florida.

SEC. 3. ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in subsection (b) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(b) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(1) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(2) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management; and

(2) the Eastern States Office of the Bureau of Land Management in the State of Virginia.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, section 6, and any existing withdrawals under the Executive orders and public land order described in paragraph (2), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in paragraph (1) are—

(A) the Executive Order dated October 22, 1854;

(B) Executive Order No. 4254 (June 12, 1925); and

(C) Public Land Order No. 7202 (61 Fed. Reg. 29758).

SEC. 4. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(1) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(2) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(b) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(1) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, the Loxahatchee River Historical Society, and other partners; and

(2) in a manner that ensures full public participation.

(c) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(d) INCLUSIONS.—The management plan shall include—

(1) objectives and provisions to ensure—

(A) the protection and conservation of the resource values of the Outstanding Natural Area; and

(B) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(2) objectives and provisions to maintain or recreate historic structures;

(3) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(4) a proposal for administrative and public facilities to be developed or improved that—

(A) are compatible with achieving the resource objectives for the Outstanding Natural Area described in section 5(a)(1)(B); and

(B) would accommodate visitors to the Outstanding Natural Area;

(5) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(6) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(e) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

SEC. 5. MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(A) as part of the National Landscape Conservation System; and

(B) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems.

(2) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(b) USES.—Subject to valid existing rights and section 6, the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further—

(1) the purposes for which the Outstanding Natural Area is established;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable laws.

(c) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary shall, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area.

(d) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in section 3(b).

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(A) adjacent to the Outstanding Natural Area; and

(B) identified in the management plan as appropriate for acquisition.

(2) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under paragraph (1) only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(3) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under paragraph (1) shall be added to, and administered as part of, the Outstanding Natural Area.

(f) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(1) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(2) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(3) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(g) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

SEC. 6. EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.

Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 1445

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. Introduced by our colleague, Representative TIM MAHONEY, the pending measure would establish the Jupiter Inlet Lighthouse Outstanding Natural Area, to be managed by the Bureau of Land Management in coordination with the U.S. Coast Guard and a local working group. The lighthouse is the oldest building still standing in Palm Beach County.

The design for the elegant brick and wrought iron building was originally drawn by Lieutenant George Gordon Meade, who later gained fame as the victorious Union general at Gettysburg. The bill would set aside 126 acres surrounding the lighthouse for protection as an Outstanding Natural Area as part of the BLM's Natural Landscape Conservation System. In addition to protecting the historic property, the bill would allow BLM, the Coast Guard and their local partners to continue and enhance their long-term stewardship of the area, including several habitat restoration projects.

Representative MAHONEY has done excellent work on this bill to protect and enhance a piece of the heritage of his district. I fully support passage of the legislation and urge its adoption.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 1922, and yield myself such time as I may consume.

Mr. Speaker, the chairman has adequately explained the bill. I have no additional speakers. It is a good bill.

Mr. MAHONEY of Florida. Mr. Speaker, I rise in strong support of H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act. Today is a great day for the towns and communities that live and thrive beneath the light of this magnificent landmark.

I want to begin by thanking everyone in the community who worked tirelessly to make this

day a reality. The Jupiter Inlet Lighthouse Outstanding Natural Area Act serves as an example of what local governments working together can do. The commitment to this historical lighthouse from officials and volunteers from Palm Beach County, the Town of Jupiter, the Village of Tequesta, and the Loxahatchee River Historical Society is truly remarkable.

I would specifically like to recognize the efforts of Palm Beach County Commissioner Karen Marcus and Mayor Karen Golonka from the town of Jupiter. Their leadership and vision have been invaluable on this project.

The Jupiter Inlet Lighthouse is more than a beacon of light that guides mariners to safety; it is a monument to Florida's history and a symbol of our community. Since the lighthouse's construction in 1860, it has played an important role during military conflicts and has facilitated commerce up and down the East Coast.

Designed by Lieutenant George Meade, who would later become famous for his service during the Civil War, the light allowed for vessels to safely travel down Florida's coast carrying cargo to new markets in the Caribbean. During World War II, the keeper dimmed the light in order to protect Allied warships traveling off the coast of Florida from German U-boat attacks. Today, the light still guides boaters safely home.

The National Landscape Conservation System, and more specifically the Outstanding Natural Area Designation, was created in 2000 by the Department of the Interior in an effort to better meet the management needs of our Nation's public lands and historic treasures. In addition to the better management practices the system promotes, the designation helps to spur tourism and expand educational opportunities in surrounding communities.

It is important to note that the area designated by this bill as an Outstanding Natural Area is much more than the lighthouse. H.R. 1922 also seeks to protect and better coordinate the management of the more than 100 acres surrounding the historic structure. This land, like the lighthouse, has historical, cultural, and environmental value. For example, the area was first used by Native Americans over 4,000 years ago. Likewise, in the 17th Century, Europeans first made contact with this area.

This lighthouse and the surrounding area, however, is much more than a historical marker. It has become a symbol of this community, woven into the fabric of our culture, even appearing on the town of Jupiter's seal.

I recently received a letter from a student at Jupiter High School detailing why the lighthouse is special to her. She says in the letter: "I often reminisce about the days my parents used to take [me] to the area when I was a child and due to these trips my love for nature and its protection first started to blossom." Today, she is a member of the Jupiter High School Environmental Research and Field Studies Academy. It is important that we preserve this structure and continue to give children the opportunity to explore their history and learn about the environment.

In closing, I would like to thank Chairman RAHALL and Subcommittee Chairman GRIJALVA for their support throughout this process.

Mr. Speaker, I urge my colleagues to support H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1922, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.''.

A motion to reconsider was laid on the table.

WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK DESIGNATION ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4191) to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as ''Wright Brothers-Dunbar National Historical Park'', and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4191

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 ''Wright Brothers-Dunbar National Historical Park Designation Act''.

SEC. 2. REDESIGNATION OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—The Act titled ''An Act to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes'', approved October 16, 1992 (106 Stat. 2141), is amended—

(1) by striking ''Dayton Aviation Heritage National Historical Park'' each place it appears and inserting ''Wright Brothers-Dunbar National Historical Park'';

(2) by redesignating subsection (b) of section 108 as subsection (c); and

(3) by inserting after subsection (a) of section 108 the following new subsection:

''(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.''.

(b) REFERENCES.—Any reference in any law (other than this Act), map, regulation, document, record, or other official paper of the United States to the ''Dayton Aviation Heritage National Historical Park'' shall be considered to be a reference to the ''Wright Brothers-Dunbar National Historical Park''.

SEC. 3. NATIONAL AVIATION HERITAGE AREA.

Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking ''104'' and inserting ''504'';

(2) in section 503(4), by striking ''106'' and inserting ''506'';

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking ''106'' and inserting ''506''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, H.R. 4191, introduced by our colleague Representative MICHAEL TURNER of Ohio, would change the Name of Dayton Aviation Heritage National Historical Park in Ohio to the Wright Brothers-Dunbar National Historical Park. The bill also sets conditions under which the Secretary of Interior may make grants to the park's partners.

A contemporary of the Wright brothers in Dayton was poet Paul Laurence Dunbar. The house that Dunbar purchased for his mother is part of Dayton Aviation Heritage National Historical Park. The Wright brothers and Paul Laurence Dunbar are each featured prominently at this park, and this redesignation of the park as the Wright Brothers-Dunbar National Historical Park will provide equal weight to both of these important stories.

I support passage of H.R. 4191 and urge its adoption.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 4191, and yield myself such time as I may consume.

This does change the name of the Dayton Aviation National Park to reflect more accurately the individuals being commemorated at this site and the role they played in the history of aviation in this country. Additionally, this new name describes the park's purpose.

I thank my colleague from Ohio (Mr. TURNER) for bringing this bill to us. It is an excellent bill, and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER), the sponsor of the bill.

Mr. TURNER. Mr. Speaker, I want to thank National Parks, Forests, and Public Lands Subcommittee Chairman

GRIJALVA and Ranking Member BISHOP, as well as Natural Resources full committee Chairman RAHALL and Ranking Member YOUNG, for their support in bringing this bill to the floor today.

H.R. 4191, the Wright Brothers-Dunbar National Historical Park Designation Act, is identical to H.R. 4612 from the 109th Congress which passed the House Committee on Resources by unanimous consent on June 21, 2006. It renames the Dayton Aviation National Historic Park as the Wright Brothers-Dunbar National Historical Park.

In 2002, Chairman and Federal Judge Walter Rice of the Dayton Aviation Heritage Commission appointed a committee made up of commission members to make recommendations regarding the name of the Dayton Aviation National Historic Park.

The committee held several hearings and solicited comments from businesses, government, stakeholders, neighborhood and citizens groups on the name change. Based on the public comments, the committee recommended to the commission that the name of the park, Dayton Aviation Heritage National Historical Park, be changed to the Wright Brothers-Dunbar National Historical Park.

Following input from the community, that committee recommended to the commission that the name of the park be changed to the Wright Brothers-Dunbar National Historical Park, which was approved by the full commission and the National Park Service in 2003.

The commission recognized a number of reasons for the name change. The new name establishes a clear connection to the universally recognized Wright brothers, the inventors of the airplane, and the new name also creates a better link between the park and the primary park assets. All four of the park sites, a majority of interpretive exhibits and media at the park sites describe the accomplishments of the Wright brothers and the first recognized African American Poet Laureate, Paul Laurence Dunbar.

Finally, the new name also establishes a better distinction between the park and the new National Aviation Heritage Area.

The new name of this park will truly be a reflection of Dayton's heritage, that of innovation and creativity. The Wright brothers' airplane and Dunbar's famous poems are two historic assets which make Dayton a great place to call home. It is fitting that the new park name pays homage to Dayton's hometown heroes, Paul Laurence Dunbar and Orville and Wilbur Wright.

It is also important to note that the National Heritage Park in Dayton is unique in that it is a scattered site national park and it works with regional partners to advance the park's mission. The Park Service partners with ''Dayton History'' at Carillon Park and Wright-Patterson Air Force Base to provide maintenance and program assistance for park assets.

Both entities contain different parts of the national park. The Wright Flyer III, the world's first practical airplane, is located at Carillon Park, and the Huffman Prairie Flying Field, where the Wright brothers perfected flight, is located on the grounds of Wright-Patterson Air Force Base. This bill authorizes grant funding to these partner organizations to ensure their continued cooperation with the Park Service in fulfilling the mission of the park.

Mr. Speaker, today's bill is the result of a community process which has resulted in an improved and more appropriate name to a regional asset, a name which reflects Dayton's true heritage. While Ohio is the birthplace of aviation, Dayton is the birthplace of the first airplane and the birthplace of Wright-Patterson Air Force Base, where 1 million people every year visit the National Museum of the United States Air Force.

Dayton's future is bright, with over 1,000 jobs headed to Wright-Patterson Air Force Base as a result of 2005 BRAC process, and it will continue to be a leader in American innovation.

Mr. Speaker, the Wright brothers and Paul Laurence Dunbar would be proud of the accomplishments in their hometown, and I am proud today to speak for this bill, which will honor their legacies.

Mr. BISHOP of Utah. Mr. Speaker, once again I encourage adoption of this excellent bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 4191.

The question was taken.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DONNELLY) at 6 o'clock and 30 minutes p.m.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1143, by the yeas and nays;

H.R. 1311, by the yeas and nays;

H.R. 816, by the yeas and nays.

The vote on H.R. 4191 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AUTHORIZING SECRETARY OF INTERIOR TO LEASE LANDS IN VIRGIN ISLANDS NATIONAL PARK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1143, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1143, as amended.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 50, as follows:

[Roll No. 88]

YEAS—378

Abercrombie	Baird	Biggert
Ackerman	Baldwin	Bilbray
Aderholt	Barrett (SC)	Bilirakis
Alexander	Barrow	Bishop (GA)
Allen	Bartlett (MD)	Bishop (NY)
Altmire	Barton (TX)	Bishop (UT)
Andrews	Bean	Blackburn
Arcuri	Becerra	Blumenauer
Baca	Berkley	Blunt
Bachmann	Berman	Boehner
Bachus	Berry	Bonner

Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goode
Goodlatte
Gordon
Graves
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—50

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

□ 1858

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

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEVADA CANCER INSTITUTE EXPANSION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1311, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1311, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 51, as follows:

[Roll No. 89]

YEAS—377

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goode
Goodlatte
Gordon
Graves
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
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
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—51

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Sullivan
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1907

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes.''.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ORCHARD DETENTION BASIN FLOOD CONTROL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 816, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 816, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 53, as follows:

[Roll No. 90]

YEAS—375

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goode
Goodlatte
Gordon
Graves
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—53

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
McCarthy (CA)
McIntyre
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Price (GA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1915

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, due to events in my district, I will miss votes today. Had I been present, I would have voted as follows:

H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes—''yea.''

H.R. 1311, to direct the Secrtary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility—''yea.''

H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project—''yea.''

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I took a leave of absence today. Had I been in attendance I would have voted as follows:

''Yea''—H.R. 1143—to authorize the Secretary of Interior to lease certain lands in Virgin Islands National Park, and for other purposes (Representative CHRISTENSEN—Natural Resources).

''Yea''—H.R. 1311—to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility (Representative BERKLEY—Natural Resources).

"Yea"—H.R. 816—to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project (Representative PORTER—Natural Resources).

PERSONAL EXPLANATION

Mr. GINGREY. Mr. Speaker, on rollcall No. 88 on H.R. 1143, I am not recorded because I was absent due to flight delays returning to Washington. Had I been present, I would have voted "yea."

On rollcall No. 89 on H.R. 1311, had I been present, I would have voted "yea."

On rollcall No. 90 on H.R. 816, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, had I been present today, I would have voted ''yea'' on rollcall No. 88, ''yea'' on rollcall No. 89, and ''yea'' on rollcall No. 90.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent today. Had I been present, I would have voted "yea" on rollcall votes 88, 89 and 90.

HONORING JUDITH HOPKINS

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

Mr. WITTMAN of Virginia. Mr. Speaker, I rise today to honor the career of Judith Hopkins, Social Security Administration level 1 district manager in Richmond, Virginia, who is retiring from Federal service after 33 years. A dedicated and selfless individual, Judy has devotedly served the public since 1975.

Judy's tenure with the Federal Government began as a Social Security claims representative trainee in Richmond, soon advancing to operations supervisor, operations officer, assistant district manager, and the position she retires from this month as district manager.

Judy's outstanding leadership, communication, and coalition-building skills were recognized by the agency as she was asked to serve on many regional and national Social Security workgroups. As the district manager of the Richmond complex, she was responsible for four offices and approximately 70 employees.

Constituents in the First District of Virginia greatly benefited from Judy's positive attitude and conscientious work ethic. My staff and my fellow Virginia colleagues' offices always received courteous and prompt attention from Judy whether the question was a simple issue or an intensive, complex case. The commitment to public service was always apparent in the way she treated her co-workers, employees, and the citizens of Virginia.

I am thankful to Judy Hopkins for the assistance and attention she provided my constituents, and I would like to wish Judy all the best as she embarks on this new chapter in her life.

SUPPORTING H.R. 1922

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

Mr. KLEIN of Florida. Mr. Speaker, I rise today in support of H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007. As one of its cosponsors, I applaud my good friend, Representative TIM MAHONEY, for shepherding this bill through the House.

H.R. 1922 will establish the Jupiter Lighthouse and the surrounding 126 acres as an ''outstanding natural area,'' only the second in the country and the only one east of the Mississippi.

The lighthouse area is well-deserving of this designation. It is home to a wide range of endangered species of flora and fauna, and it tells a rich story of Florida's history and prehistory.

The Jupiter Lighthouse is the epicenter for education, history, ecology, science, and recreation. This legislation will elevate this local and regional site to national prominence and help an important part of Florida's history become a valuable part of our shared American history.

FIGHTING CRIME

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

Mr. COHEN. Mr. Speaker, yesterday evening in my hometown of Memphis, Tennessee, there was a senseless killing of six individuals. Four adults and two children were shot and/or stabbed in the Binghampton community.

We have seen more and more and more urban crime in this country, and the response has not been sufficient from the Federal Government to help the locals with law enforcement funding. This House has passed a COPS bill that is still pending in the Senate and is opposed by the administration. We need to see that the COPS bill becomes law and we have an opportunity to help fund the policemen on our streets in our urban centers, and all over this country.

We also need to help the Second Chance programs to see that people don't resort to crime. Crime must stop, Mr. Speaker, and we must do our part.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–99)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 4, 2008.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TANKER SHOULD BE BUILT BY AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, we should all be deeply troubled by last week's decision by the Air Force to choose a French-built air refueling tanker.

The European Aeronautics Defense and Space Team, known as EADS, found a front American company, Northrup Grumman, to bid their foreign-built tanker. When the Air Force chose this French tanker, they chose to outsource our national security and to send American jobs overseas.

This contract award has rightly created outrage all across the United States. It is just another example, and perhaps the best example, of how our own government is putting the United States at an economic disadvantage. At a time of economic insecurity, it is mind-boggling that the Department of Defense would send at a minimum 19,000 jobs overseas.

We should have an American tanker built by an American company with American workers. Instead, the Air Force awarded this contract for a French tanker built by Europeans. How could this happen? Well, first, the Department of Defense has created an unlevel playing field that favored foreign companies. We should have known something was wrong when the replacement for Marine I, the President's helicopter, was awarded to a European company. If that wasn't enough, we should have known it was fixed in favor of foreign companies when the Army awarded a French company the contract to build the light utility helicopter. The light utility helicopter is for domestic use here in America, awarded to a French company. And, now, the third big contract in a row goes to a French company to build a French tanker.

First it was the Presidential helicopter went to a foreign company, then it was the light utility helicopter went to a foreign company, and now our air-refueling tanker. We need an American tanker built by American companies with American workers. The Air Force rules do not consider the loss of American jobs. The Air Force rules do not consider illegal subsidies given to foreign companies. The Air Force rules do not consider that NATO allies, the French company, do not have to comply with the same American regulations as American contractors do. The Air Force does not consider the loss of Federal revenue, because French workers do not pay American taxes. But the Air Force will have to consider the outrage of outsourcing our national defense.

The Air Force will have to consider that we need an American tanker built by American companies with American workers. To help the Department of Defense and the Air Force understand this nationwide outrage, I have set up an online petition that all Americans can participate in.

Mr. Speaker, I encourage all of my colleagues to go to the Web site, www.House.gov/Tiahrt, and sign a petition expressing their own outrage at outsourcing our national security and outsourcing American jobs.

We need an American tanker built by an American company with American workers.

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.)

SUPPORTING H.R. 1922

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MAHONEY) is recognized for 5 minutes.

Mr. MAHONEY of Florida. Mr. Speaker, I rise today in support of H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007. And I would like to also thank Chairman RAHALL and Subcommittee Chairman GRIJALVA and my good friend, Congressman RON KLEIN, for helping me get this bill passed today in the House of Representatives.

Mr. Speaker, H.R. 1922 is an important piece of legislation, as it will establish the Jupiter Lighthouse and the surrounding 126 acres as an outstanding natural area, only the second in the country and the only one east of the Mississippi.

□ 1930

An outstanding natural area is a congressional designation to protect the unique, scenic, scientific, educational, and recreational contributions of a natural area to this and future generations.

One of the reasons why I enthusiastically support the designation is because Florida's rich and diverse history is sometimes overlooked by the millions of tourists who visit from all across America. Of course, it's not hard to see why. With our pristine coastline, trendsetting hotels and restaurants, and ample eco-tourist activities, a typical family vacation in south Florida can pass, and very quickly without having the chance to see all other amazing aspects of Florida's ecology, culture, and history.

The Jupiter Lighthouse area is one such example. It is a local and regional icon, and with this new designation, the United States Congress can say that Florida's rich history should be celebrated as an integral part of our larger American history.

Situated where the Loxahatchee River and the Indian River Lagoon meet, the Jupiter Inlet Lighthouse area is home to a wide range of endangered species of flora and fauna, and it is one of the true scenic gems of south Florida.

The lighthouse also tells a rich story of Florida's history and prehistory. Native Americans first used the area around the Jupiter Lighthouse over 4,000 years ago, and Europeans made contact with it in the 17th century. As trade increased in the 1800s, the need for the lighthouse became more urgent as shipwrecks increased off Florida's coast and, in particular, off the dangerous reefs near Jupiter.

The United States Congress responded in 1853 by providing $35,000 to establish a lighthouse in Jupiter. Despite an intervening war with the Seminole Nation, the lighthouse was finally completed in 1860, the first built along Florida's coastline. I think it's fitting that 155 years later the same distinguished body is poised to make the Jupiter Inlet Lighthouse an outstanding natural area. Doing so will preserve the natural and cultural significance of the area for future generations and will reaffirm that Florida's history is an important part of American history.

Again, I'd like to thank my colleagues for passing this important legislation.

FOREIGN SHORTFALLS IN IRAQ AID PLEDGES

The SPEAKER pro tempore (Mr. DONNELLY). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to bring to the attention of the House and to the American people a disturbing situation involving a shortfall in Iraq aid pledges. I also brought this issue to the attention of Secretary of Defense Robert Gates, for whom I have great respect, during a hearing last month of the House Armed Services Committee.

On January 30 of 2008, USA Today reported that allied countries have paid only 16 percent of their pledge. Their pledge was $15.8 billion, and they have only paid $2.5 billion.

The article further reports, and I quote, ''The biggest shortfall in pledges by 41 donor countries are from Iraq's oil rich neighbors and U.S. allies,'' namely, Saudi Arabia and Kuwait.

Yet, the United States has already spent $29 billion to help rebuild Iraq, and Congress has approved an additional $16.5 billion.

Mr. Speaker, it is troubling that some of the countries that may benefit from a secure and stable Iraq, particularly its neighbors in the region, are not providing the money they pledged to help achieve the goal to rebuild Iraq.

Unlike the United States, which is borrowing money from foreign governments to pay its bills, many of Iraq's neighbors are running record surpluses because of profits flowing into their government coffers by their national oil companies. These countries have the economic resources to meet their commitments.

In a letter on February 8, 2008, I expressed these concerns to Secretary Condoleezza Rice and to President Bush.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2008.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC

DEAR MADAM SECRETARY: I am writing to express my concern over information reported January 30, 2008, in the USA Today article, ''Allies fall short on Iraq aid pledges.'' According to the article, during and after an October 2003 conference in Madrid, allied countries pledged $15.8 billion to help rebuild Iraq. Now almost five years later, allied countries have paid only 16%, or $2.5 billion, of those pledges. The article also states: ''The biggest shortfalls in pledges by 41 donor countries are from Iraq's oil-rich neighbors and U.S. allies.''

While the United States has spent $29 billion to help rebuild Iraq, and Congress has approved an additional $16.5 billion, it is troubling that some of the countries that may benefit the most from a secure and stable Iraq—particularly its neighbors in the region—are not providing the money they pledged to help achieve that goal. It's not as though these nations lack the economic resources to meet their commitments; in fact many of Iraq's neighbors are running record surpluses as a result of the windfall profits flowing into their government coffers via their national oil companies.

Madam Secretary, I have no doubt that you and others in the Administration are working to make sure those who promised money to rebuild Iraq actually make good on those promises. Therefore, I respectfully request that you provide me with a written update of the Administration's efforts in this regard. Thank you in advance for your consideration.

Sincerely,

WALTER B. JONES,
Member of Congress.

I look forward to hearing the administration's response and an update on what steps they are taking to insure the Arab countries fulfill their pledges to aid Iraq. Our government should be working to make sure that those who promised money to help rebuild Iraq actually make good on those promises.

While oil is at a record high of near $104 a barrel, American taxpayers are facing prices of more than $3 at the pump.

Mr. Speaker, out of fairness to the American taxpayer, it is time that the administration tell these Arab countries that they are running record surpluses, that they need to pay their bills in Iraq. Again, they pledged $15.8 billion. They have only paid $2.5 billion. And the poor taxpayer of America is having to foot the bill to rebuild Iraq. It is not right, and it's time that we ask those rich Arab countries to meet their responsibilities.

LET'S THINK ABOUT THE NUMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, when asked about the possibility of gas going up to $4 a gallon, the President of the United States and leader of the free world said, ''That's interesting. I hadn't heard that.''

Yes, gas prices are predicted to top $4 a gallon, and the leader of the free world doesn't even know? Something is clearly wrong.

Mr. Speaker, with an economy based on the fuel of yesterday, America needs new vision and leadership. We cannot rely on leaders who don't know what most Americans understand and are living every day, that our oil economy is based on borrowed time that is fast running out.

Let's think about these numbers. A recent Congressional Research Service paper summarized the point clearly. Researchers predict that a 10 percent increase in oil prices lowers economic growth in our country by a quarter point to a little over a point over the next four quarters, compared to a flat growth rate for oil prices.

When President Bush took office, gasoline cost 1.45 a gallon. Today gasoline averages $3.17 a gallon, with some analysts saying the price could reach $4 a gallon. Californians already know that.

The American people don't need the Congressional Research Service to do the math to understand what this means, but let's run the numbers just for the sake of argument.

During Bush's tenure in office, the average price of gasoline has increased over 218 percent; not 10 percent, 218 percent. With researchers predicting that a one quarter increase of 10 percent in oil prices leads to an economic contraction of a quarter percent to 1.1 percent for the following four quarters, the American people can only imagine what a 218 percent increase has meant for the American consumer over the last 7 years. It is profound.

In rough terms, the Bush economic stewardship plan has driven our economy into a tailspin. Our economy is in trouble. It needs rescuing. And our top leader doesn't even know prices could reach $4 a gallon?

We should have learned something from the first Arab oil embargo of the 1970s when the United States suffered both high unemployment and rampant inflation. President Reagan called it the misery index. Don't we remember that misery? It's being exacted on the American people again.

The rising prices of oil imports in 2006 and 2007 alone accounted for over $70 billion of our mammoth trade deficit. The global savings glut is being driven largely by the transfer of wealth from our country and western democracies to the oil rich kingdoms of the Middle East, and this imbalance continues to grow, and our people continue to suffer more.

The dollar declines. It's very clear what's happening. Gasoline prices are destroying the economic gains of our economy every day, pushing up our trade deficit and making America less competitive on the global market.

Every paper you open up there are layoffs in community after community after community, coast to coast, and people are losing their homes at greater rates. Without a course correction, the next generation will never be able to compete.

Energy legislation this House considered last week is a step in the right direction, and the other body ought to pass it quickly. But it is only a step.

This is the time for America to redouble our efforts and invest in an energy-independent future that uses geothermal, wind, biomass, solar, advanced vehicle research, new fuels of all kinds and new vehicles, developing the technologies of tomorrow for this new century.

America needs energy independence now, not in 2025, not even in 2015. We need every single elected official at the national level to be committed to energy independence now. We need a change in this Capitol city. We need a change in the White House, and we need people elected to this Congress who will save America from ruin because of the terrible toll that rising oil prices are having on the innards of this economy, in every borough, in every hamlet, in every city, in every town across this country.

It is high time America moved from the carbon-based economy into the carbohydrate economy, and we can't do it fast enough.

The sun waits to be captured. The wind across our plains needs to be put to new use, and it is renewable. It was given to us as a precious gift. We ought to use it. And we need to have elected officials who are committed to this great American quest in this new American century.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker it is March 4, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,825 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same.

All the gifts that these children might have brought to humanity are now lost forever.

Mr. Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we condemn the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet another day has passed, Mr. Speaker, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been given them.

Mr. Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer is "yes," there is a second destiny question that inevitably follows.

And it is this, Mr. Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Mr. Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Mr. Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,825 days spent legally killing nearly 50 million children in America is enough, and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 4, 2008—12,825 days since Roe v. Wade—in the land of free and the home of the brave.

MEDICARE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BARTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTON of Texas. Mr. Speaker, in 1965 the hot car on the American market was a Ford Mustang, which cost less than $2,000. The President of the United States was Lyndon Johnson. The entire Federal budget was less than $100 billion. The war that was on the front pages was the war in south Vietnam. The Super Bowl didn't exist. Cell phones didn't exist. If you wanted to use a computer, you typed out your program on data index cards and submitted them in a batch to a mainframe computer. I believe the dominant mainframe was an IBM 360. Gasoline cost approximately 25 cents a gallon, and a little-noticed program was put into effect to help our senior citizens with their health care costs called Medicare.

Forty-three years later, that Medicare program is going to expend over $400 billion to provide health care for over 45 million senior citizens in every State and territory of the United States. If something is not changed between now and the year 2018, in the year 2018, or 2019, the Medicare Trust Fund is going to be bankrupt.

If we look back in 1965 at how health care was provided and look at how it's provided in 2008, you would see numerous differences. We now focus, in Medicare, through the Medicare Advantage programs, which 20 percent of our seniors have chosen, on preventive care. A lot of Medicare spending today is through drug therapy, as opposed to surgery, things of this sort.

But the one thing that's constant has been the continuing escalation in cost. Medicare has averaged double digit increases in cost the last 10 years, and it's expected, by the year 2018, to be over $800 billion.

Medicare spending this year of over $400 billion is going to exceed by a factor of 4 the entire Federal budget back in 1965, the year that was created.

So because of the increase in the population, the increase in the complexity, the diversity of health care therapies, several years ago the Congress put into place what's called the Medicare trigger. The Medicare trigger says that in any year that Medicare spending or Medicare revenues come from 45 percent or more of the general revenue, i.e., the premiums that Medicare beneficiaries and the cost share that companies and Medicare payors pay into the system, when more than 45 percent of the funds going into Medicare come from the general U.S. Treasury, the Medicare trustees have to issue to the Congress a report. And if this happens 2 years in a row, the President of the United States has to submit a proposal to the Congress on how to bring spending back below the 45 percent trigger. That happened for the first time last year, in fiscal year 2006, and it's happened again this year, in the fiscal year that just ended, fiscal year 2007.

So several weeks ago the President and the Secretary of Health and Human Services presented to this Congress a report that did two things: Number 1, it did announce that the spending had exceeded 45 percent of the revenues of the general treasury, and Number 2, it put forward an outline of the proposal on how to bring that spending back below the 45 percent trigger.

□ 1945

The Congress does not have to act on the President's proposal. The Congress can initiate one of its own. In fact, if 70 Members of this House decide that they want a different proposal than the President of the United States, if 70 Members will sign a letter, I believe, to the Speaker of the House and also to the chairman of the Budget Committee, those 70 Members will present their proposal to the Budget Committee. If the Budget Committee holds hearings and certifies that the proposal that's been submitted by the 70 Members does, in fact, meet the requirements of the law, that proposal then is ordered reported to the House of Representatives for an up-or-down vote.

So sometime in the next several months, you are going to hopefully see a number of proposals submitted to the Budget Committee on how to deal with the pending crisis in Medicare. And I would encourage all Members of this body, since we all have Medicare recipients in our congressional districts, to be a part of some group that tries to address this problem.

Now, the President's proposal, again, it is not a definitive legislative language developed proposal. It's more of an outline of policy objectives, but the policy objectives are pretty straight forward: number one, Medicare beneficiaries that have higher incomes would pay slightly more in their premiums so you would begin to have a graduated means-tested premium increase based on your ability to pay the Medicare premium; number two would be a Medicare liability reform proposal that has been talked about for years. That, by itself, would probably save $180 billion over 5 years or so. There would be a requirement for more pricing transparency and more openness, so that Medicare beneficiaries could see what prices they're paying or are being paid on their behalf. And also there are some proposals, I believe, on quality indexing, quality of reporting so that, again, before the beneficiary decides where to have a particular procedure done or which doctor to use, he or she might have some data on the quality of the health care that's provided by various Medicare providers.

All in all, the President's proposal is very modest, but it's certainly one that needs to be seriously considered; and, again, the need for doing something on Medicare is something that we need to

begin to address as a Congress. The Medicare trustees have reported that if current policies are not changed within the next 11 years, the Medicare trust fund will go bankrupt. What that means is if you are 54 years old or younger, when you retire there will be no money in the Medicare trust fund to pay your Medicare benefits which you are, by law, entitled to at age 65.

So this is a problem that we can't put off for 20 years or 50 years. In my opinion, we can't put it off for any years. Again, we need to begin to address it immediately, we need to address it in this Congress, and we need to hopefully address it in a bipartisan fashion.

I now yield to the distinguished member of the Energy and Commerce Committee, the ranking member of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I want to thank some of my colleagues for their vision back in 2003. They recognized that Congress does a good job talking about Medicare and the concerns about the future, but they realize that very few are very committed to addressing Medicare's challenges.

We, as a Congress, came together and worked with President Clinton in the 1990s when we did the Balanced Budget Act; and at that time, we even realized that Medicare was growing, the growing senior population was going to be a tremendous challenge to us; and in 2003 a small group of Members of Congress, they put in trigger legislation, and now this trigger, as the chairman said, goes into effect if the Medicare board of trustees certifies in two consecutive years that 45 percent of Medicare spending will come from general revenues in any of the upcoming 6 years.

Last year, the trustees certified this Medicare spending level; and again this year, they have certified that the spending is exorbitant and that the trigger has now been hit.

As directed by law, the President had no choice. He sent legislation to Congress to address this spending. We in Congress have a responsibility to the American people to act on the President's proposal. Unfortunately, last year my Democrat colleagues tried to remove this trigger so that they can continue to put off addressing the unsustainable cost of our Medicare program. Under their CHAMP legislation, they slipped in a provision that would have removed this trigger. In effect, it would have allowed Congress to continue to ignore Medicare's growing cost.

Even worse, the Democrats decided to ignore Medicare's growing costs; and when they do that, frankly it just shoves these challenges off into the future and onto the backs of our children, and that is something we should not be doing.

Last week, the majority leader and the minority leader introduced a bill to move forward with the President's proposal to bring Medicare costs back under the trigger level. That is the responsible thing to do.

This Congress now should act on this legislation. According to the Centers for Medicare and Medicaid Service Health Care Spending, the United States will hit $4.3 trillion by year 2017, nearly double that of 2007, equating to nearly 20 percent of our gross domestic product. In 2007, health care spending accounted for 16.3 percent of our gross domestic product. But more of that cost is expected to shift to government agencies even as the Federal Government struggles to shrink our own deficits.

Medicare spending alone is expected to grow to $844 billion in year 2017. That's up from the $427 billion we spent just last year in 2007. So Congress must stop talking about Medicare and its potential insolvency, and we must take action.

Medicare is the single largest purchaser of health care in the United States; and within the next 11 years, the Medicare trust fund could potentially go bankrupt. Our Nation is at risk to lose this important health care program for seniors if we do not reform this program. Future generations will not have access, and that would be unfortunate.

This trigger has forced Congress to be honest with the American people about Medicare's dim future. The future of our Medicare program, as I said, is at risk. I ask my colleagues to join with me to change this trend and protect Medicare for future generations, and we can only do that by working together.

Mr. BARTON of Texas. Mr. Speaker, I want to recapitulate why we are here this evening taking this Special Order. As I pointed out earlier, Medicare is a mandatory program for senior citizens over age 65. It was established in 1965, which is 43 years ago. I don't exactly remember in the first year how many citizens were covered and how much money was expended, but my recollection is that several million senior citizens were covered and expenses were in the order of a magnitude of 6 or $700 million. In the last year that we have numbers for, 45 million Americans were covered and the costs were over 400 billion.

Now, it is a good thing that we have 45 million senior citizens in this country. Those are our grandparents and great grandparents and great aunts and uncles. They are certainly the generation that has been pointed out that fought the great wars of World War II and Korea and Vietnam. They have ushered in an amazing American economy unsurpassed in the history of the world in terms of its ability to generate wealth and economic prosperity. And they are well deserving of the benefits that we are paying out for Medicare.

So the problem is not that our senior citizens don't deserve the best health care in the world, and it is not that we are living healthier and longer. The problem is, quite simply, how do we pay for it. Average expenditures for Medicare are on the order of magnitude of about $7,000 per person per year. And to put that in perspective, that is more than most families pay per person for their food or for their housing.

If nothing is done on the current Medicare program in terms of its policies and the way it's structured in 11 years, in 2019, the Medicare trust fund is going to be bankrupt. As I pointed out earlier, if you are 54 years young or younger, when you retire, there will be no Medicare. Now I'm 58. So if I were to retire at age 65, in 7 years I would have 3 years of Medicare benefits before the program went bankrupt. My wife, Terry, who's younger than me, when she retires, she would have no benefits. None of my children would have benefits. None of my grandchildren would have benefits.

So this is not a program that we can just let go on automatic pilot. We need to begin to fundamentally and in a focused way look at the Medicare program as it exists today, not cut people off the program, not change it so that there are fewer benefits. We need to look at Medicare and try to bring our technology to bear, bring our management processes to bear, all of the innovations that have happened in the last 40 years.

As I pointed out earlier, if we were still making the 1964 Mustang, that was a great car in 1964, 1965. But it's hardly the car that people want to buy today. We didn't have cell phones in 1965. Today, everybody in America has a cell phone. In fact, there are more cell phones than there are hard line phones. If you look at computers, the computer in 1965 was a mainframe computer that you had to go to a central location to use. I would guess that almost every American citizen has some access to a personal computer today.

So a lot has changed in many fields since 1965. But in Medicare, we have the same basic program funded the same basic way.

□ 2000

So we need to look at ways to change that program and to bring it into the 21st century. I think some of those ideas are going to be in the form of preventive medicine, like we have in those seniors, about 20 percent of those 9 million that have chosen a Medicare Advantage plan. There may be some ways in terms of sharing costs; as the President has suggested, Medicare beneficiaries that are more well-to-do could pay a higher share of their premium.

We have the whole issue of health information technology, or health IT. It's suspected and predicted that if we would bring health information technology to bear on Medicare, you could save tens of billions, perhaps more, each year just by using that technology that's currently in the private sector.

So, there are a number of great ideas, but because of this Medicare trigger, this year, a certain percent of Members, I believe it is 70 Members, but a

number on that order of magnitude, if they have a plan to restructure Medicare, to reform it, to bring the spending in total below 45 percent of general revenue, they can submit their plan to the chairman of the Budget Committee. The chairman of the Budget Committee will hold hearings to certify that the plan does, in fact, meet the Medicare trigger recommendations. And if it does, my understanding of the law is that those plans have to be brought to the floor; they have to be voted on by the House of Representatives. Now, I'm not clear exactly the procedure for the rules for bringing these proposals to the floor, whether every proposal is given a vote on the floor or whether there are only certain proposals that are certified by the Rules Committee, but my understanding is that all proposals that meet the budgetary cutoff do get an up or down vote on the House floor.

So, if you're a member of the majority, of the Democrat Party, and you've got an idea and you can get 70 Members to support it, your plan can be voted on. If a bipartisan group of Members bring a proposal, that plan can be voted on. If the Republican leadership, whom I'm doing this Special Order for, has a plan, it can be voted on. If the President can get 70 Members to sign under his plan, it can be voted on. I personally don't see any problem with having different plans on the floor. The bottom line is to vote on some plan that begins to restructure and reform Medicare. Again, not trying to cut people off the program, not trying to tell our senior citizens we're going to do away with Medicare; what we should be telling our senior citizens is that we want Medicare to be there not just for another 11 years, but we want it to be there for another 50 years, another 60 years, not for people that are just now over 60 and over 70, but for our children and our grandchildren.

This is a program that, again, in 1965, my recollection is it cost less than $1 billion a year. This past year it cost over $400 billion. And by 2018, it's going to cost over $800 billion. And by 2036, it's going to cost more than the entire Federal budget today, which is over $2 trillion.

So this is not something that we can just put on the back shelf and not do anything about. It is something that we need to take action on. And again, because of the Medicare trigger, we have the ability, under expedited rules, to put these proposals to the Budget Committee, the Budget Committee certifies its proposal will meet the cost savings requirement, those plans will come to the floor and be voted on sometime this year before we go home in October for the elections in November.

So, Mr. Speaker, I want to bring to the attention of the House the Medicare trigger language and that it does require the President to submit a proposal. He has done so. It does require the Budget Committee to meet on that proposal and any other proposals that 70 Members of the body can put before the Budget Committee. And it does require that the House vote on the bill, or the bills, later this year.

We need to address it. The Medicare trustees have pointed out that for 2 years in a row the spending has exceeded 45 percent of the general revenues going into the program, and so it is time for us to begin to address it.

Mr. Speaker, I see no other Members present. So with that, I would humbly suggest that everybody begin to think about what to do to protect and reform Medicare.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1424, PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

Ms. CASTOR (during the Special Order of Mr. BARTON of Texas), from the Committee on Rules, submitted a privileged report (Rept. No. 110–538) on the resolution (H. Res. 1014) providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2857, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION (GIVE) ACT

Ms. CASTOR (during the Special Order of Mr. BARTON of Texas), from the Committee on Rules, submitted a privileged report (Rept. No. 110–539) on the resolution (H. Res. 1015) providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws, which was referred to the House Calendar and ordered to be printed.

ADMINISTRATION'S DISREGARD FOR CONGRESSIONAL AUTHORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, tonight I will discuss some serious examples of how this administration's contemptuous disregard for the authority delegated to Congress by the Constitution has impacted on how we do business here in Washington. This bad attitude has consistently manifested itself in a sophomoric resentment of Congress' constitutional role as an equal branch of government.

Ironically, Congress has proven itself far more willing to cooperate than what Ronald Reagan found during the Cold War. The executive branch, however, seems too insecure to let Congress do its job, as the executive branch sees Congress basically, even with a Republican-controlled majority, as a rival. And they see us as a spoiler rather than as elected representatives of the American people playing a rightful role in establishing policy for our great country. So, unfortunately, we see that in this President of the United States.

But let me add that I have worked in the White House before. I worked in the White House at a time when Democrats controlled both Houses of Congress. And I have witnessed times when Congress itself, yes, has sought to undermine foreign policy initiatives of Presidents who are watching out for America's national security interests in a tumultuous time. That is not what I'm referring to and will be referring to tonight. But I mention this only to note that, yes, while I am condemning our President tonight, I recognize that in the past, many liberal left Democrats have been obstructionist in their relationship with the White House as today that I see the White House is being obstructionist to Congress.

Many congressional Democrats, especially those on the far liberal left of the party, fought President Reagan every step of the way as he maneuvered to thwart Soviet expansionism during the waning days of the Cold War. Whether it was building a missile defense system, which now, I might add, protects us from rogue states such as Iran, Korea and China, or whether it was supporting resistance movements against Soviet puppet regimes in Afghanistan and Nicaragua, many congressional Democrats not only voted against the policy, which of course is their prerogative, but went far beyond that in an attempt to actually undercut and undermine the implementation of President Reagan's Cold War strategy. Liberal left Democrats in the U.S. Congress, for example, visited Nicaragua to encourage that Soviet ally regime to hold firm against Ronald Reagan's pressure to democratize.

Even as the Soviets poured billions of dollars of military equipment into Nicaragua, Congress, at a very crucial moment, restricted aid to the resistance fighters who were struggling to pressure the Sandanistas, to what? To have democratic elections.

In order to save Central America from a hostile takeover, Reagan had to overcome Soviet support for these rogue regimes, like the Sandinistas and different insurgencies that were supported by Cuba and the Soviet puppets in Central America, but the President also had to overcome congressional undermining of this stand that he had taken.

In the end, of course, Congress, after 1 year of eliminating all aid to the freedom fighters, or he would say the ''democratic resistance'' in Nicaragua, after 1 year, which drew, threw the entire Reagan strategy into a chaotic

state, Congress restored U.S. financial aid to the Nicaraguan resistance. All of this was in keeping with the fact that the liberal left of the Democratic Party at that time was trying their best not to cooperate with Ronald Reagan but to undermine what he was trying to do.

Finally, after Congress, by the way, restored money to the democratic resistance, the Sandanistas agreed and relented to a democratic election. And when it was held, the Sandanistas were trounced at the polls and thrown out of power for about 10 or 15 years, which of course must have surprised the liberal left Members of the U.S. Congress who had repeatedly dumped their vitriol on President Reagan as if he was supporting a terrorist group that was trying to implement a policy in Nicaragua that would lead not to democracy but to control of their government.

Well, don't let anyone tell you that bipartisanship won the Cold War. It did not. And from my point of view, and I saw it very firsthand, there was a lack of cooperation, an unwillingness to cooperate on the part of many liberal left Members of this body during the Cold War. And that's history. That's a long time ago. And it was not a shining moment for many congressional Democrats. And it is certainly not a great example, as many people say, of cooperation and bipartisanship during the Cold War.

Reagan's personal influence, however, enabled Congress and the executive branch to function even though there was a certain number of people here who were intent on obstructionism. Reagan respected disagreement, even if it was done in such a disruptive way. He respected the separation and the balance of powers at the heart of our Federal Government's structure and consulted often with Congress and had very significant changes of views with Members of Congress, even those liberal leftists who were trying to obstruct his policy. That same spirit from the top is, unfortunately, not evident in this administration.

The Cold War is history, yes, but currently, radical Islam has declared war on us. It is a threat that should strengthen our willingness to pull together and cooperate. Yet, the disdain and uncooperative nature of this administration towards Congress, including Republican Members, is so egregious that I can no longer assume that it is simply bureaucratic incompetence or some isolated mistake; rather, I have come to the sad conclusion that this administration is intentionally obstructing Congress' rightful and constitutional duties.

Tonight I will discuss some serious examples of this administration's contemptuous disregard for authority that was delegated to Congress by the Constitution. This bad attitude has consistently manifested itself in a sophomoric resentment toward Congress' constitutional role as an equal branch of government.

Ironically, Congress has proven itself far more willing to cooperate than what Ronald Reagan found in the Cold War. The executive branch, however, seems too insecure to let Congress do its job, and it is an executive branch that sees Congress, even when the Republicans held the majority, as a rival and a spoiler rather than as elected representatives of the American people, people who are playing a rightful role in establishing a policy for our great country.

Unfortunately, when the President of the United States rejects the legitimacy of congressional prerogatives, there are serious consequences. Tonight I will provide examples of how this administration, for the past 7 years, has undercut congressional investigations, had lied to Members of Congress, and has forged ahead with secret deals in spite of efforts and pleas by Congress to be informed, if not involved.

In the last Congress, I was chairman of the Oversight and Investigation Subcommittee of the House Foreign Affairs Committee. In that capacity, I learned that in the time immediately leading up to the bombing of the Federal building in Oklahoma City, convicted Oklahoma City bomber and murderer Terry Nichols had been in Cebu City in the Philippines. His stay in Cebu City coincided with another visitor, al Qaeda's terrorist leader Ramsey Yousef. Well, interestingly, both Nichols and Yousef used similar bombs and methods just 2 years apart to blow up two American targets. Yousef was the mastermind of the first attack on the World Trade Center in 1993. Fifteen years ago, 1993, the World Trade Center blew up. That was Ramsey Yousef who organized that attack.

□ 2015

Two years later Terry Nichols was a co-conspirator in the bombing of the Oklahoma City Federal Building. These two individuals, one an American, one an Arab, were responsible for planning two of the most lethal terrorist attacks in our country's history. We are to believe, however, that by coincidence they both ended up in an off-the-beaten-track city in the southern Philippines. Well, one doesn't have to be a conspiracy nut to understand that this coincidence is worth looking into.

The perfunctory investigation into this matter was not comprehensive. And, yes, there was a small investigation into this, but it left many questions unanswered. So I started a congressional inquiry to look at that investigation and to look into the issue myself. This inquiry was sanctioned by Henry Hyde, chairman of the International Relations Committee, and its purpose was to see whether Terry Nichols or his accomplice Timothy McVeigh had foreign help with their murderous bombing attack on the Alfred Murrah Federal Building in Oklahoma City in 1995. Again, in light of the fact that Terry Nichols and Ramzi Yousef were both in Cebu City, some off-the-beaten-track city in the Philippines, and they were there at the same time and they had both committed hauntingly similar terrorist attacks, it was no stretch for a congressional investigative committee to look into the matter.

However, the Bush administration felt quite differently. To those I had to deal with, it was case closed, don't bother us, the matter has been looked into, and Congress should simply and blindly accept the conclusions that there was no Nichols-Ramzi Yousef connection. ''Don't bother us'' was the attitude I confronted. This at times was bureaucratic laziness. At other times it was clearly based on a disdain for congressional investigations and authority.

During my investigation, I secured Ramzi Yousef's cell phone records. The cell phone calls he made were documented. These were calls that he made in New York City, in that area, just months before he bombed the World Trade Center. The phone records clearly show that Yousef had made at least two phone calls to a row house in Queens, New York, basically at a time leading up to the bombing. Significant to my inquiry, that row house that Yousef, the bomber of the World Trade Center, was calling was occupied by the cousin of Terry Nichols' Filipino wife. Let me repeat that: the terrorist bomber of the first World Trade Center attack, the nephew of al Qaeda's 9/11 mastermind, Khalid Sheik Mohammed, made phone calls to the same row house that was occupied by Terry Nichols' cousin-in-law just 2 months before Ramzi Yousef exploded his bomb in the garage of the World Trade Center. What another coincidence. Just another coincidence.

I gave this information to the Department of Justice that had never been thoroughly investigated, and since that time I have repeatedly sought their help to investigate this matter. Time after time my requests have gone unanswered or flatly denied.

I also asked the Department of Justice on numerous occasions to help me investigate the name Samir Khalil. Now, this name is on the list, Samir Khalil, of unindicted co-conspirators in the 1993 bombing of the World Trade Center. I found that name. That name was there. A lot of people had overlooked that name. Why is it important? Because that is also the name of an Iraqi man in Oklahoma City who, at the time of the Oklahoma City bombing, employed an immigrant who was ID'd by many witnesses as a possible accomplice to the bombing. He was a look-alike. He may have been the person. He may have been John Doe II. He looked like what everybody described as John Doe II. That man's employer was Samir Khalil, and that same name happens to be on a list of unindicted co-conspirators for the World Trade Center bombing.

Well, let's look at this for a moment. Numerous witnesses at the scene of the Oklahoma City bombing and the truck rental company that provided the truck for the bombing described an accomplice they say had accompanied bomber Tim McVeigh. An FBI sketch was made, and this unknown suspect was labeled ''John Doe II.'' You remember John Doe II. John Doe I was, of course, Timothy McVeigh. These witnesses described a man who, as I say, looked very much like this employee of another Arab immigrant, Samir Khalil.

I have repeatedly asked the Department of Justice to tell me if the Samir Khalil on the unindicted co-conspirators list of the 1993 World Trade Center bombing is the same Samir Khalil who employed this man who was originally identified as John Doe II by a number of witnesses. The Justice Department's answer: it would be far too burdensome for us to try to find out if this is the same man.

Further, we asked for help in finding the Arab immigrant, the John Doe II look-alike, who was employed by Samir Khalil. The guy who may well have been in the bombing of the Oklahoma City bombing. We traced this man to Boston, but we had no support and no cooperation in finding this very possible terrorist or at least a terrorist suspect.

By the way, we now know that this same man who worked for Samir Khalil, the same guy who looked like John Doe II, once he went to Boston, and this has not been proven yet but it is possible and it may well be true that he was working at Boston's Logan Airport on 9/11 of 2001, the day that a plane took off from that airport and was hijacked and then crashed into the World Trade Center. I guess another weird coincidence to the Oklahoma City bombing.

If we don't want conspiracy theories to run wild, these types of things should be investigated. Instead, no follow-throughs, no interest, case is closed, don't bother us.

Both Samir Khalil and his Iraqi employee now reside at this moment in the United States. And now let's not forget that there were eye-witnesses who described an accomplice at Tim McVeigh's side at the time of the bombing and when he rented the truck that carried the bomb to the Federal building there in Oklahoma City. These are witnesses who saw somebody, and the FBI after a very short time simply declared John Doe II to be nonexistent. He never existed, and thus that means that no more investigation would be necessary even if a congressional investigator comes up with names that seem to match the Oklahoma City bombing and a list of unindicted co-conspirators for the first World Trade Center attack. No, that is not worthy of investigating even then because that would be too burdensome.

Well, if it is true, of course, and it's not being investigated, that means there are two terrorists. If this happens to be true, and we don't know it's not true because the Justice Department refuses to investigate and to help in our investigation, that means there are two terrorists out there who may still be active and, in fact, may have been active later on in other terrorist actions.

That is just a small taste of the deplorable lack of cooperation for a legitimate congressional investigation. And this, by and large, was a time when Republicans controlled the House. And it was no fluke, this lack of cooperation. I didn't happen to snag an uncooperative Federal employee. No, this was the level of noncooperation Congress now has learned to expect.

And, yes, let me acknowledge that Departments and agencies have limited resources. So maybe they have other uses, better uses, for their time of their investigators. I understand that. I can hear that. I can listen with a sympathetic ear. They probably want to use the time of their investigators to follow up on their own leads and their own cases rather than following up on leads provided by Members of Congress.

Well, I could buy that excuse except for the fact that there has been a total lack of cooperation that goes way beyond just not using their resources, committing scarce resources. Even when it costs no time and no resources, the administration has stonewalled my every effort to look into these so-called ''coincidences.''

For the past year, for example, I have repeatedly requested an interview with imprisoned terrorist Ramzi Yousef. This would have taken no time. It would have required no new resources to be committed from the executive branch, or it wouldn't use the time of any Federal employee. This request was well within my committee jurisdiction and didn't cost the executive branch any time or effort or money. And as ranking member of an investigative subcommittee on the House Foreign Affairs Committee, I certainly had the right and, yes, my committee has the jurisdiction to make such inquiries and to look into such issues.

This request that I made just to interview Ramzi Yousef, who is in prison, this request has been supported by the chairman of the investigative subcommittee on which I serve, that is, the chairman of the investigative subcommittee of the Foreign Affairs Committee, Mr. DELAHUNT; the chairman of the Judiciary Committee; the chairman of the Intelligence Committee. All of them are backing this request. This is a bipartisan request that DANA ROHRABACHER, who has been looking into this issue, who has an official investigation, who is part of an official investigative subcommittee, is being denied a simple request to interview a Federal prisoner.

Such attention by Congress should be welcomed by the administration. The legislative branch should be able to help bring new information to light. We can actually, if we look into these things, lay to rest some conspiracy theories that have no validity. We can help inform the public.

Nevertheless, the Department of Justice, consistent with its treatment of congressional inquiries mainly during the tenure of this President, has dismissed our request, this valid request. It has treated the request with what I can only describe as contempt and condescension. The point is, unfortunately, that this rejectionist attitude is typical of this administration, not just for Democrats but for Republicans alike.

So why should this administration obstruct congressional inquiries such as this? Remember, Ramzi Yousef was the mastermind of several devastating terrorist plots against America. He led the first murderous attacks on the World Trade Center in 1993. And after fleeing to the Philippines after that explosion, he and two other terrorists plotted to kill thousands of Americans by blowing up 12 commercial airliners over the Pacific. This was known as the Bojinka Plot. It was within 2 weeks of being executed when it was discovered and thwarted by the Philippine police.

Now, interestingly, the terrorist operation that we're talking about, the Bojinka Plot, the blowing up of these airliners, was to take place about the same time as the Oklahoma City Federal Building was to be bombed. Perhaps it was to be happening on the same day, but we don't know, of course, because we're stonewalled and blocked from looking into this. Perhaps we should know if the Bojinka Plot was originally scheduled to happen on the same day that the Federal building was blown up in Oklahoma City.

In fact, when Philippine police arrested Ramzi Yousef's right-hand man at the makeshift bomb factory in the Philippines, Yousef fled the Philippines immediately, left the country. But he wasn't the only one to flee the country once that bomb-making factory had been captured by the Philippine police. The very next morning after it was learned that that bomb factory had been broken into and people had been arrested there by the Philippine police, Terry Nichols, who was down in Cebu City in the southern Philippines, cut short his scheduled visit to the Philippines and took the first available flight out of the country. This after just a day or two after he had extended his passport with the explanation that he wanted to stay a few more weeks in the Philippines.

□ 2030

Yousef has been a Federal prisoner for over a decade. He is a prisoner with a unique understanding of al Qaeda terrorist structure. He is the nephew of Khalid Sheikh Mohammed, the mastermind of 9/11.

In 2006, when I was chairman of the Oversight Investigation Subcommittee,

2006, I was investigating Yousef's moments and activities not only in the United States, but also in the Philippines. I even traveled to the Philippines to question the authorities who had captured Yousef's roommate and coconspirator in the Bojinka plot. In spite of the fact I was looking into Yousef's terrorist activities, and in spite of the fact that I had obtained new information about Yousef's phone calls and some of the people he was associating with while he was in the United States prior to the bombing of the World Trade Center, the first bombing, the Department of Justice still dismissed this effort, just dismisses it. More than that, they are obstructing a legitimate congressional investigation by refusing to permit this elected Member of Congress, who is a ranking member of a congressional investigative committee, to interview a Federal prisoner. They refuse access to Yousef, claiming there is an ''ongoing investigation''. I have been told by people in the Justice Department, people who had worked for the Justice Department in high levels, that this is nothing more than a vehicle, without any justification, for turning down any requests made by a Member of Congress.

The arrogance of this ongoing investigation answer has to be understood. As I say, I was told by a high level Justice Department official that this was just the standard tactic to dismiss a Member of Congress, even though there was no validity and there was no even looking into whether or not there really was an investigation. It was without substance; a phrase that is used simply to turn down Members of Congress and to shut the door on inquiry.

Let me note, an ongoing investigation. They expect us to believe that? This prisoner has been in jail for over ten years. More likely what we have here is an ongoing coverup. Not an ongoing investigation, an ongoing coverup. It is outrageous and, unfortunately, it is not atypical of this administration.

By accepting this behavior, or perhaps, more accurately, acquiescing to it, we Republicans are permitting this administration to set a terrible precedent. Doesn't Congress have the right to talk to Federal prisoners? Is that the rules of engagement that we want to lay down and accept for our government? That is apparently what the Bush administration is trying to establish as the executive branch's rightful authority to deny congressional investigators access to Federal prisoners.

What happens when a Democrat President engages in such stonewalling and obstructionism of congressional oversight? My fellow Republicans need to take this very seriously. This is an issue that goes way beyond Republicans and Democrats. This is a matter of the legitimate congressional oversight authority and whether or not we are going to permit this administration to basically undermine an important element of our right of oversight, and that is to go to Federal prisoners and to interview them ourselves to try to find information about what is going on in the Federal Government.

Again, the attitude in its treatment of a legitimate request by a congressional oversight committee is not an aberration. It is not nonrepresentative of the way this administration has exercised its authority. It is actually representative of the way they have handled themselves.

This request was first made and denied when Republicans controlled Congress, and I was then the chairman of the Investigative Subcommittee. The Congress now has a Democrat majority. In my position as ranking member of the International Organizations Human Rights and Oversight Subcommittee of the House Foreign Affairs Committee, I have seen this time and again.

Our current subcommittee chairman, now that the Democrats have taken control of the House, is Congressman BILL DELAHUNT from Massachusetts. He read in the paper that our President is negotiating a secret agreement with the Iraqi Prime Minister that will govern the future relationship of our countries. Let me say that again. The chairman of the Oversight Subcommittee of the House Foreign Affairs Committee is getting his information about a hugely important bilateral security agreement from the newspaper.

So, Chairman DELAHUNT rightfully decided to conduct a hearing and find out as much as he could about the agreement and invited the administration to testify before Congress. How did the administration respond? They ignored the request. So the hearing was held with private witnesses. Yes, the public has a right and an obligation to fully understand what commitments are being made by our President in our name. But the President and this administration did not feel compelled to come and tell us anything about those agreements.

In a democratic society, policy is made after having open dialog. This administration has had to have been dragged, kicking and screaming, into open dialog because this President was elected President. George Bush was elected President. Perhaps he thinks he was elected king.

In another attempt last month, our subcommittee held another hearing on this Iraqi security agreement and again we invited an administration witness to come to the panel, and the response was silent. The subcommittee held another, a third hearing on the topic, and again the subcommittee invited a Member of Congress to tell us what is going on in these negotiations about an agreement, status of forces agreement, and other agreements, with the government of Iraq, which may or may not commit us to future military involvement in that country. Even our full committee chairman wrote letters asking the administration to participate, and all the requests to this administration by our committee were ignored, except in one instance Chairman DELAHUNT's subcommittee was told by a White House staffer, and this went to one of the committee staffers that were looking into this, that the administration was unwilling to participate because, ''There's nothing to talk about because we haven't put pen to paper.'' Haven't put pen to paper on this security agreement.

When confronted with the fact that the New York Times had written a story saying that a 17-page agreement was being passed around, that 17-page, and I might say, first draft of the agreement was being passed around, this same White House staffer backtracked and quibbled. This, Madam Speaker, is unacceptable. It's dishonest, and it is typical.

For an update, the stonewalling prevailed until a few weeks ago when Secretary of State Condoleezza Rice, a person who I dearly admire, testified at a hearing of the full International Relations Committee. When asked, she pledged, now she was asked directly by Chairman DELAHUNT, she pledged that in the future, witnesses dealing with the Iraqi agreement would be forthcoming.

Well, today our subcommittee held another hearing, and at long last, at long last, the administration sent two witnesses, one from the State Department and one from the Defense Department, to come and talk to us about the ongoing negotiations and the ongoing development of different plans, the status of forces agreements and such dealing with Iraq, agreements that might bind us in some way to future ties with Iraq, and we had a long and positive discussion. That should have happened a long time ago. But we had to force the administration, after months, after months, to have an open discussion of this issue. And it took Condoleezza Rice herself to overcome the bad attitude that was preventing that. So, thus, we have to assume that that bad attitude was coming from someone higher up than Condoleezza Rice.

Sadly, this administration's antipathy to the constitutional responsibilities of the legislative branch of government does not stop and end with the efforts of my Subcommittee on Investigations. In October of last year, 22 Members, 22 colleagues and I wrote a letter to the Acting Attorney General regarding former National Security Advisor Sandy Berger. In 2005, Sandy Berger pled guilty to mishandling and destruction of classified documents. He admitted to unlawfully removing and subsequently destroying classified documents from the National Archives. These documents dealt with the failure of our intelligence agencies during the Clinton administration to prevent the horrendous attacks of 9/11.

As part of his plea deal, Mr. Berger agreed to take a lie detector test, which was to be given by the Department of Justice. This would verify

what documents had been stolen by Mr. Berger. We are still waiting, Madam Speaker, for that lie detector test to be administered. We need to know what documents this man took from the Archives. It is important for us to know who is responsible for 9/11, what mistakes were being made, and what is being kept from the American people. As a senior member of the House Foreign Affairs Committee, I was and still am rightfully concerned that this lie detector test has not been given and we haven't verified what documents have been stolen.

Well, on October 10, I and, as I said, 22 of my colleagues sent a letter to the DOJ, the Department of Justice. We received a letter back on October 22. It acknowledged the DOJ's receipt of our inquiry, and it was signed with an illegible signature so we weren't able to find out who the heck was answering us. And we were given a tracking number so we could track further correspondence.

Well, in spite of the fact that we were treated with this insulting computer-generated response, as well as a tracking number, what we have here is an official inquiry by 23 Members of Congress, and we had hoped that in time our request would at least be answered by a responsible party at Justice. Well, we got our wish. On January 24, 2008, 94 days later, we received a response, a dismissive short letter that explained that the Department of Justice saw no reason to polygraph test Sandy Berger. No reason whatsoever.

Madam Speaker, I have been a Member of Congress now for over 19 years, and I have never seen such a pattern of blatant disregard and outright disdain for Members of Congress. If Sandy Berger is not to be polygraphed to verify what documents he stole from the Archives, we need to know why such verification is not being done. We don't need to be dismissed with short letters and form letters. Twenty-three Members of Congress made a request, a legitimate request, and this administration thumbed its nose at these Members of Congress, and thus was thumbing its nose at congressional oversight and our congressional prerogatives as elected representatives of the people. This administration wouldn't even give a respectable answer to a rightful inquiry of Members of Congress.

Of course, on the other hand, the President thinks he has a right to make demands on us. In his State of the Union address, Mr. Bush demanded that Members of Congress must act on certain issues, we must do as he wishes, we must pass legislation that is necessary. Yes, we must do things; yet, when 23 Members of Congress, most of his own party, write to his Justice Department a serious letter of inquiry about a national security issue or we make a request to see a Federal prisoner, we get a computer-generated letter, or just a disdainful, contemptuous turndown.

By the way, one of the responses I received, obviously looking into this, all of them, not just one but all of them were basically, one was an old letter, a copy of an old letter that had been sent to another Congressman. This bad attitude that I am detailing is pervasive.

The handling of a proposed totalization agreement with Mexico is yet another example of the type of bad attitude and secrecy of this administration. The totalization agreements with Mexico have to be looked at very closely. Totalization agreements in and of themselves can serve a useful function. Large corporations in both the United States and elsewhere, in Europe, for example, assign personnel to work overseas, and during these years when these employees are overseas, they are double taxed. They pay both Social Security and the equivalent tax in their native countries.

So allowing the Social Security Administration and foreign agencies to give credit to one another towards their retirement systems makes sense when it involves a limited number of persons working legally and temporarily in another country.

□ 2045

So the concept is not itself alarming. However, this is not the case with illegal immigrants.

We have 20 million people living and working illegally in the United States, with Mexicans by far making up the largest chunk of this illegal immigrant population. This is not a limited number of Swedes or Japanese executives who will work here for several years and then go home. We are talking about millions and millions of people who can make or break our Social Security system if this issue is not handled responsibly.

Knowing the volatility of both the Social Security and illegal immigration issues, the totalization negotiations with Mexico have been kept strictly under wraps. Remember, these negotiations started in 2002. That is when Republicans controlled Congress. One would think that a Republican administration would at the very least advise Congress, perhaps a status report, concerning such significant diplomatic efforts as the totalization negotiations with Mexico. Well, Congress did not know the details about this negotiation until it hit the press.

Now, I just detailed for you a few moments ago how the President of the United States and this administration is keeping things from this Congress, tried its very best not to send witnesses to help discuss a grievance that is being made with the Government of Iraq. Well, that is not new. What I am telling you now is that it also manifested that very same lack of openness and secretiveness in these talks with Mexico over a totalization agreement.

And it wasn't just secrecy. Worse, the press releases about the negotiations that were going on were misleading, and it appears that Congress was being misled as to exactly what it was the administration was agreeing to concerning Social Security benefits for Mexican nationals who are working illegally in the United States.

This issue is of the utmost concern to my constituents, who are suffering from the uncontrolled flood of illegals pouring into our country. In California, our schools, our health care system, our criminal justice system all are at the breaking point. All we need is to attract millions more illegals into our country by giving them access to our Social Security system.

I have in fact proposed legislation to ensure that no work done while someone is in this country illegally should count toward a Social Security benefit. That is not what President Bush believes, however. In the totalization agreement negotiations, the Bush administration agreed that illegal aliens from Mexico will be eligible for the same treatment under Social Security as U.S. citizens, without ever becoming a legal resident or citizen of our country.

It took a long, drawn-out battle in the form of a Freedom of Information lawsuit to get the details of this agreement from this administration. Again, another example of secrecy, of deceit. Again, the administration was stonewalling and concealing information from the American people and from Congress, information Congress and the American people had a right to know.

Please remember, the danger from this agreement has not passed. While due to public outrage it has been put on the back burner, our President at any time can still submit this agreement to Congress, and he just might do it, just to show us who is boss.

Now, what I am describing is a pattern of arrogance and contempt that is especially true not just with Social Security, but with the broader issues related to illegal immigration and with issues dealing with Mexico. The tragic case of wrongly imprisoned Border Patrol agents Ignacio Ramos and Jose Compean exemplifies the worst aspects of this attitude and this problem, and it will forever leave a black mark on this administration.

President Bush has himself made decisions that directly led to this ongoing travesty, which sees these two Border Patrol agents languishing in solitary confinement. They could have been sent to a minimum security prison, but the decision was made at the highest levels, no, that would mean they would be treated differently than other prisoners.

Of course, they are law enforcement officers. At a medium security prison, their lives are in danger, but they are not permitted, and this was made probably in the White House, they couldn't go to a minimum security prison. They would have to it stay in a medium security prison. One of them was attacked, as was very predictable, and beaten half to death, and now they

have been sent to solitary confinement, a punishment that usually goes to horrible criminals and to terrorists. Even the terrorists in Guantanamo aren't treated like this.

But yet Ramos and Compean, two men with perfect records, whose crime was they discharged their weapon at a fleeing suspect who they had interdicted while trying to put $1 million worth of drugs in this country, and they didn't report it right, which should have meant a reprimand, instead, the book was thrown at them. And not only was the book thrown at them, once they were in prison, the administration decided they would not be able to go to minimum security prison, which has led directly to the fact that they are languishing in solitary confinement and have been in solitary confinement almost a year. This is a disgrace. It is a horrendous, horrendous disgrace.

In this clearly questionable case, President Bush deliberately dug in his heels to protect his good friend and young protégé, prosecutor U.S. Attorney Johnny Sutton. Rather than entertain the probability that a tangible injustice was in progress and to instruct the Justice Department and the Department of Homeland Security to cooperate so that Congress could get to the bottom of this nightmare, this President has thumbed his nose at congressional concerns and initiated a policy of obstruction and denial in our efforts to get to the bottom of the Ramos and Compean case.

Let's note here that Members of Congress have pleaded with President Bush personally on this issue. We in the House even voted to take money for Ramos and Compean's imprisonment out of the DOJ budget. Not only will President Bush not entertain the possibility that an injustice is being done, his administration has obstructed congressional inquiries and lied, let me repeat that, has lied to Congress on this matter.

Since the Ramos and Compean case was brought to my attention in September of 2006, I have written over a dozen letters to this administration requesting various documents regarding the harsh, harsh prosecution of Ramos and Compean. I have been joined by several Members of Congress in this effort, in fact, many Members of Congress. In fact, a majority of Members of Congress have expressed themselves in the Ramos and Compean case, expecting that this travesty would not be permitted to go on.

Some of the Members who are most active have been Congressmen POE, CULBERSON and MCCAUL. These three Members from Texas, in fact they are all former lawyers, prosecutors or judges themselves, attended a briefing about the Ramos and Compean prosecution conducted by the Department of Homeland Security Inspector General's Office on September 26, 2006.

At that briefing, serious questions were raised by these Members about the fundamental justification for the prosecution of Ramos and Compean. The President and his lapdog prosecutors would like us to believe that they had no discretion. But the actual charges being brought against Ramos and Compean were totally at the discretion of the prosecutors.

What were the grounds for charging these men with crimes like attempted murder? Here is a drug dealer that they had just been in a physical altercation with who was escaping the scene of a crime, and they are charged with attempted murder for discharging their weapons at this fleeing suspect?

Assault with a deadly weapon, the unlawful discharge of a firearm during a crime of violence and a civil rights violation. These charges have put Ramos and Compean in prison for a minimum of 11 years. These were the charges that were made, and the jury was not permitted to hear all of the evidence, and they were convicted.

But what they were charged with was totally at the discretion of the prosecution. Did this fit the crime? Two men with a perfect record, two men who had an unblemished record. One of them, one of them, Officer Compean, it might have been Officer Ramos, but was up to be Border Patrol Agent of the Month. He was nominated for that the month that this incident took place.

They had nothing on their record that showed any misuse of firearms. Yet they did not report the incident correctly. They had wounded a fleeing suspect, although they didn't know they had wounded him. And who was the suspect? He was someone who they had who was a drug dealer, an illegal alien drug dealer who was smuggling $1 million worth of drugs into our country and was now escaping the scene of his crime after assaulting a police officer who had intercepted him. This, again, was not someone who was out having a picnic; not some person they discharged their weapons and shot who was an illegal alien just trying to cross the border. This was a drug dealer who was trying to bring $1 million worth of drugs into the country. And although these laws were never intended by Congress to be applied to law enforcement officers, who have to carry a gun and have to make split-second decisions, the gun law mandatory prison sentence was applied to these police officers, these law enforcement officers.

So, remember, we send a message not only to all the Border Patrol agents, but to law enforcement all around the country, that if in the middle of an altercation they discharge their weapon because they think their life is in danger, they may end up in prison, maybe even in solitary confinement.

Again, this is a travesty. The prosecutors knew that charging law enforcement officers in situations like this was not the intent of Congress, but they threw the book at the agents anyway. The charges made against Ramos and Compean, again, they require a 10-year mandatory imprisonment. Filing those charges was totally at the discretion of the prosecutors. They went ahead anyway.

President Bush has supported these prosecutors and backed them up in this grotesquely wrong decision. He has backed them up even when they have crossed the line of both legality and propriety. Let me repeat that. President Bush has backed up his prosecutors even when they have crossed the line of legality and propriety.

When Congressmen POE, CULBERSON and MCCAUL in their official briefing asked why the most serious charges that could be leveled at the Border Patrol agents were initiated by the prosecutors and why the prosecutors took the word of the drug smuggler that he had no weapon, and by the way, the Border Patrol agents said that they thought he had a weapon, of course, the drug smuggler, who got away, claimed he didn't have a weapon, the prosecutors took the word of the drug smuggler.

This was asked: Why would the prosecutors take the word of the drug smuggler over the word of two law enforcement officers? The Department of Homeland Security officials who were briefing the Congressmen said and proclaimed that this was a legitimate and righteous prosecution. These were, according to the Department of Homeland Security briefers, rogue cops. Remember, Ramos and Compean, clean records, and they are called rogue cops. In fact Johnny Sutton later went out and charged that they were corrupt cops. And as soon as he was, of course, brought to task, they said what corruption were they charged with, he had to backtrack on that, after he had already tried to smear these two guys in public.

Yes, they were labeled as rogue cops. And the Congressmen being briefed were told that these guys had actually confessed. Ramos and Compean confessed that they knew the drug smuggler was unarmed and that the agents didn't feel threatened.

Now, tell me, does that make sense? The agents are just going to say, Oh yeah, we shot at him, but we knew he didn't even have a gun and we didn't even feel threatened. Is that what the Department of Homeland Security was telling these three Members of Congress, all three of whom had been prosecutors or judges?

Of course, the biggest lie of all came out at this point when the Department of Homeland Security briefers insisted that Ramos and Compean had told their fellow officers the day of the incident that they wanted to go out and shoot a Mexican. That charge raised eyebrows. Certainly, how could anyone believe that? Ignacio Ramos and Jose Compean are themselves Mexican Americans, married to Mexican American wives with Mexican American children. Sure, they just wanted to go out and intentionally shoot some Mexicans. Sure they did. This is what Members of Congress were told at an official briefing.

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It takes a lot of chutzpa to give that kind of lie to Members of Congress. Asking for proof, the three Congressmen being briefed were told the charges were documented in the reports of the investigative officers. The Department of Homeland Security promised to provide these reports as proof that Ramos and Compean actually intended to go out that day and kill a Mexican.

The proof, of course, never came. The Congressmen kept asking. The calls weren't returned. It is called stonewalling. The DHS stonewalled for 5 months.

Members asked for copies of the completed report of investigation, which should have backed up these alleged facts that were being told to the Members of Congress during their September 26 briefing. Months passed, and nothing from the Department of Homeland Security. After several letters and public pressure, the Department of Homeland Security finally releases a redacted version of the official report in February 2007. Surprise, surprise, the alleged confessions by Ramos and Compean were not to be found. The documentation for the charge that they had brazenly proclaimed their intent to kill a Mexican was not there. How could this be?

The Department of Homeland Security officials had assured Members that it was a solid prosecution and they were guilty, that they wanted to shoot a Mexican. But these were flat out lies told to Members of Congress.

During a DHS Subcommittee hearing on February 6, 2007, DHS Inspector General Richard Skinner was questioned by Congressman CULBERSON about this issue. Under oath, Mr. Skinner acknowledged the information given to the Texas Congressman was in fact false, but smugly justified this blatant and willful lying by calling it ''a mischaracterization, unfortunately repeated at the briefing.'' No, Mr. Skinner, it wasn't a mischaracterization. It was a lie, no matter how colorful the euphemism. Ollie North was prosecuted for far less an egregious act. Ollie had given some misinformation to congressional staffers who were not even part of an official briefing to Congress.

To this day, absolutely nothing has been done about this crime, the crime of lying to Congress. Administration officials deliberately misled Members of Congress in order to discourage them from pursuing the Ramos and Compean case, and no one has been held accountable for it.

U.S. Attorney Johnny Sutton himself was publicly labeling these two brave men who risked their lives for us as corrupt. Johnny Sutton lives behind a gated community. Johnny Sutton, who has no track record of experience and service to his country as these two men who put their lives on the line for us every day, yet Sutton dishonestly claimed them to be corrupt. He also felt compelled to expose one of the men who had a family altercation a few years before that had nothing to do with his job; yet Mr. Sutton had to expose that family altercation of one of these, Ramos and Compean, to the public.

Well, Ramos and Compean is a case that stank from day one, and that stench is coming straight from the White House. The President, instead of looking into this matter, has dug in his heels, permitting his appointees to slander these two agents.

I would suggest that what we see in Ramos and Compean and the other issues that I brought up tonight demonstrate a pattern that is unacceptable. The American people should understand the attitude that is going on here in Washington. We should look closely, and we should demand a higher standard from this administration.

Even worse, the President has personally made decisions that have resulted in these two agents languishing in solitary confinement. Again, to say this is a mean-spirited vindictive prosecutor is to put it mildly. Importantly, President Bush is backing this malicious and unjustified prosecution to the hilt.

This case demonstrates why hearings are an integral part of the checks and balances system. It is in this venue that the Executive Branch is held accountable for their actions, under oath. It was only when an Administration official was under oath that the lies about Ramos and Compean were admitted. But this Administration has decided to thumb its nose at that obligation to make its case under oath at a public hearing.

Chairman WILLIAM DELAHUNT graciously approved my request to hold hearings on the Ramos and Compean case. In doing so, an official Subcommittee investigation into the case in preparation for the hearing was authorized.

During the course of this investigation, the resistance from the Departments of Justice, Homeland Security and State was consistent with the arrogance and obfuscation that flows through this Administration from the top down. Our hearing had to be postponed for months because of the Administration's refusal to provide requested documents or to send the necessary witnesses to testify before the Subcommittee, citing the Committee did not have proper jurisdiction. Therefore, U.S. Attorney Johnny Sutton, DHS Inspector General Richard Skinner or any of his investigators refused to appear. That decision was, clearly, made in the White House.

Our government provided a flawed immunity agreement, free health care, and unconditional border crossing cards to an illegal alien criminal in exchange for testimony that sent border patrol agents Ramos and Compean to prison.

Our government kept secrets from the jury that the drug dealer intercepted by Ramos and Compean had hauled another shipment of drugs across our border, this, while on a government issued border cross pass. Clearly, this is well within the jurisdiction of an oversight committee responsible for overseeing relations with other countries, including Mexico, including international drug smuggling. Clearly, the public has a right to know about these things. This Administration apparently believes there is no obligation to answer questions in public and under oath about actions and policies of the Administration. It's a travesty.

How bad is it? In preparation for the Ramos and Compean hearing, we made request after request, countless phone calls and even a FOIA lawsuit by the watchdog group, Judicial Watch, and the Administration still refused to release copies of the border crossing cards issued to the drug smuggler in this case, claiming the smuggler is protected under the ''Privacy Act.'' I was instructed by the Justice Department to obtain a privacy waiver in order for that information to be released. A privacy waiver from an illegal alien criminal? This absurd contention is just another example of a condescending and dismissive attitude. Such obstructionism, however, is the rule, not the exception with this Administration.

By the way, due only to a bureaucratic fluke we finally obtained those border crossing cards. Our repeated requests for documents were taken so nonchalantly that I actually received an official response letter from the Department of Justice, dated March 16, 2007, addressed to ''Congresswoman ROHRABACHER.'' That was just one of several insulting form letters sent in response to Member letters regarding the Ramos and Compean case.

Plea after plea from Members of Congress, for the President to intervene on behalf of Ramos and Compean by either pardoning or commuting their sentences, have been ignored. Last year, I personally reached out to the President to take the pressure and confrontation out of this issue. I suggested that the President direct the Justice Department to request that Ramos and Compean be permitted to remain free on bond, pending their appeal. Even common criminals get that kind of leeway. What was the response? A White House press release was issued the next day, proclaiming that the Administration opposed letting Ramos and Compean out pending appeal and that no special consideration would be granted to anyone, much less these two border patrol agents, sounds righteous—a position of not making any exceptions. Except, of course, for the fact that a short time later, White House aide Scooter Libby, had his sentence commuted by the President in a heartbeat. For the record, I believe it was proper to commute Scooter Libby's sentence. He got a raw deal. Unfortunately, this incident suggests that only the members of the President's clique gets such consideration. Of course, in the meantime, the President has pardoned or commuted the sentences of dozens of convicted criminals, including drug dealers.

It is truly with a heavy heart Mr. Speaker, that I stand here reciting example after example of the maliciousness and condescending attitude exhibited by this Administration. It is a problem flowing from the top.

When I hear my friends on the other side of the aisle accusing this Administration of stonewalling, of cover-ups, or of thwarting investigations, I sadly must concur with them. This White House exemplifies needless hostility, turf jealousy and obstructionism. The American people should know it, and should know that this charge comes not from a partisan Democrat, but from a lifetime conservative Republican.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today.

Mr. CONYERS (at the request of Mr. HOYER) for today.

Ms. WOOLSEY (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and the balance of the week on account of constituent obligations.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today and the balance of the week on account of a family medical emergency.

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of official business.

Mr. KELLER of Florida (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of his daughter, Kate Elizabeth Keller, born on March 3, 2008.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of flight delays due to inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MAHONEY of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, March 10 and 11.

Mr. FRANKS of Arizona, for 5 minutes, March 6 and 10.

Mr. BURTON of Indiana, for 5 minutes, today, March 5 and 6.

Mr. TIAHRT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today, March 5, 6, 10 and 11.

Mr. GARRETT of New Jersey, for 5 minutes, March 6.

Mr. MORAN of Kansas, for 5 minutes, March 5.

Mr. BURGESS, for 5 minutes, March 6.

ADJOURNMENT

Mr. ROHRABACHER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 5, 2008, 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:

5602. A letter from the Chief, Policy Division, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Wireless E911 Location Accuracy Requirements Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling 911 Requirements for IP-Enabled Service Providers [PS Docket No. 07-114 CC Docket No. 94-102 WC Docket No. 05-196] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5603. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-292, ''Commission on Fashion Arts and Events Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5604. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-313, ''Emergency Medical Services Improvement Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5605. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-312, ''Evictions with Dignity Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5606. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-293, ''Park East Assistance Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5607. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-294, ''Choice in Drug Treatment Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5608. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-310, ''New Convention Center Hotel Omnibus Financing and Development Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5609. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-295, ''Burned Fire Fighter Relief Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-311, ''Uniform Anatomical Gift Revision Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5611. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery and Shrimp Fishery of the Gulf of Mexico; Amendment 27/14 [Docket No. 0612243157-7799-07] (RIN: 0648-AT87) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5612. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Chafee National Youth in Transition Database (RIN: 0970-AC21) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5613. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.1361: Special Rule for Bank Required to Change from the Reserve Method of Accounting on Becoming an S Corporation (Rev. Proc. 2008-18) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on 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:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1424. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans; with an amendment (Rept. 110–374 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 1084. A bill to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes; with an amendment (Rept. 110–537). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 1014. Resolution providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans (Rept. 110–538). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 1015. Resolution providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws (Rept. 110–539). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. BARROW):

H.R. 5522. A bill to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; to the Committee on Education and Labor.

By Mr. MCDERMOTT:

H.R. 5523. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling; to the Committee on Ways and Means.

By Mr. YARMUTH (for himself, Mrs. BIGGERT, Mr. GRIJALVA, Mr.

HINOJOSA, Mr. COHEN, Ms. BERKLEY, Mr. CHANDLER, Ms. ROYBAL-ALLARD, Mr. HOLT, Ms. SCHAKOWSKY, Ms. BORDALLO, and Mr. DAVIS of Illinois):

H.R. 5524. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FILNER:

H.R. 5525. A bill to amend the Small Business Act to improve the National Veterans Business Development Corporation; to the Committee on Small Business.

By Mr. FORTUÑO (for himself and Mr. SERRANO):

H.R. 5526. A bill to direct the Secretary of Veterans Affairs to establish the Task Force on Medical Facility Improvements in Puerto Rico, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself, Mr. HALL of New York, Mr. SESTAK, and Mrs. GILLIBRAND):

H.R. 5527. A bill to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LYNCH (for himself, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. DELAHUNT, Mr. MCGOVERN, Mr. TIERNEY, Mr. CAPUANO, and Ms. TSONGAS):

H.R. 5528. A bill to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. DOGGETT, Mr. HONDA, Mr. BLUMENAUER, Mr. HALL of New York, Mr. TERRY, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Mr. BOSWELL, Ms. SHEA-PORTER, and Mr. HODES):

H.R. 5529. A bill to direct the President to seek to establish an international renewable energy agency to expand the availability and generating capacity of renewable energy to markets around the world in order to increase economic opportunity, drive technological innovation, enhance regional and global security, raise living standards, and reduce global warming pollution; to the Committee on Foreign Affairs.

By Mr. PALLONE (for himself, Mr. FILNER, Mr. HONDA, and Mr. GRIJALVA):

H.R. 5530. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Homeland Security, 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. WAXMAN (for himself, Mr. CANTOR, Mr. LATOURETTE, and Mr. CANNON):

H. Con. Res. 306. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. BRADY of Pennsylvania:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers; to the Committee on House Administration.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, and Mr. WOLF):

H. Con. Res. 308. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, and Mr. WOLF):

H. Con. Res. 309. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. MOORE of Wisconsin (for herself, Ms. BALDWIN, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CLAY, Mr. CLYBURN, Mr. COHEN, Mr. COURTNEY, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. KAGEN, Ms. KILPATRICK, Mr. KIND, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. OBEY, Mr. RUPPERSBERGER, Mr. SALAZAR, Ms. HERSETH SANDLIN, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIRES, Ms. SUTTON, Mr. TOWNS, and Mr. WU):

H. Res. 1013. A resolution expressing the sense of Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance; to the Committee on Education and Labor.

By Mr. FEENEY (for himself, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. TANCREDO, Mr. WALBERG, Mr. DREIER, Mr. ROHRABACHER, Mr. MCHENRY, Mr. RADANOVICH, Mr. BARTLETT of Maryland, Mr. LAMBORN, Mr. ENGLISH of Pennsylvania, Mr. TIAHRT, Mr. DUNCAN, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. AKIN, Mr. GOHMERT, Mr. SMITH of Texas, Mr. KING of New York, Mr. SENSENBRENNER, Mr. SALI, Mr. REYNOLDS, Ms. FOXX, Mr. WELLER, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. GARRETT of New Jersey, Mr. HUNTER, Mr. BARTON of Texas, Mr. COLE of Oklahoma, Mr. ROYCE, Mr. DOOLITTLE, Mr. BROUN of Georgia, Mr. MORAN of Kansas, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. SHAYS, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. SESSIONS, Mr. GINGREY, Mrs. SCHMIDT, Ms. PRYCE of Ohio, Mr. CANNON, Mrs. EMERSON, Mr. HENSARLING, Mr. CARTER, Mr. POE, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. MACK, Mr. CAMPBELL of California, Mr. ISSA, Mr. FRANKS of Arizona, Mr. PETRI, Mr. BURGESS, Mr. FOSSELLA, Mr. PUTNAM, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. LUCAS, Mr. WOLF, Mr. MCCAUL of Texas, Mr. CULBERSON, Mr. BLUNT, Mr. FORTENBERRY, Mr. BOEHNER, Mr. CHABOT, Mrs. CAPITO, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. HALL of Texas, Mr. SOUDER, Mr. PENCE, Mr. PRICE of Georgia, and Mr. BACHUS):

H. Res. 1016. A resolution expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr; to the Committee on Oversight and Government Reform.

By Mrs. GILLIBRAND (for herself and Mr. MCCAUL of Texas):

H. Res. 1017. A resolution expressing support for designation of the week before Thanksgiving as ''Global Entrepreneurship Week'' to inspire young people everywhere to embrace innovation, imagination, and creativity and to train the next generation of entrepreneurial leaders; to the Committee on Oversight and Government Reform.

By Mr. HILL (for himself, Mr. WAMP, Mr. BOYD of Florida, Mr. MOORE of Kansas, Mr. MATHESON, Mr. DONNELLY, Mr. MELANCON, Mr. MAHONEY of Florida, Mr. SULLIVAN, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. SMITH of New Jersey, and Mr. GOODE):

H. Res. 1018. A resolution amending the Rules of the House of Representatives to establish the House Ethics Commission; to the Committee on Rules.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. WOOLSEY, and Mr. GRIJALVA):

H. Res. 1019. A resolution expressing the sense of the House of Representatives that the current economic slowdown in the United States is directly related to the enormous costs of the ongoing occupation of Iraq, consigning the United States to what can only be called the Iraq recession, and for other purposes; to the Committee on Armed Services.

By Mr. WELCH of Vermont (for himself, Mr. HIGGINS, Mr. TIAHRT, and Mr. WALBERG):

H. Res. 1020. A resolution recognizing the tremendous service that members of the Armed Forces have given to the Nation, especially those who have been wounded in combat; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Mr. RUSH, Mrs. CAPPS, Mrs. MALONEY of New York, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CASTOR, Ms. BALDWIN, Ms. HOOLEY, Mrs. JONES of Ohio, Ms. KILPATRICK, Mrs. DAVIS of California, Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. SCHIFF, Mrs. MCCARTHY of New York, Ms. BERKLEY, Ms. MATSUI, Ms. SCHAKOWSKY, Ms. HARMAN, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCMORRIS RODGERS, Ms. HERSETH SANDLIN, Ms. LEE, Ms. WATERS, Mr. PETERSON of Minnesota, Mr. SERRANO, and Mr. TOWNS):

H. Res. 1021. A resolution supporting the goals, ideals, and history of National Women's History Month; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 193: Mr. LAMPSON.

H.R. 351: Ms. CORRINE BROWN of Florida.
H.R. 371: Ms. SCHAKOWSKY.
H.R. 402: Mr. FEENEY.
H.R. 462: Mr. TIM MURPHY of Pennsylvania.
H.R. 552: Mr. SIRES, Mr. WOLF, Mr. MARKEY, Ms. HIRONO, Mr. HALL of New York, Mr. PAYNE, and Mr. ANDREWS.
H.R. 661: Mr. LIPINSKI.
H.R. 688: Mr. SESSIONS, Mr. BUTTERFIELD, Mr. SIRES, Mr. WALZ of Minnesota, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. WAMP, and Mr. DUNCAN.
H.R. 706: Mr. FALEOMAVAEGA, Mr. GONZALEZ, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. GENE GREEN of Texas.
H.R. 724: Mr. FEENEY.
H.R. 725: Mr. LAMBORN.
H.R. 734: Mr. LIPINSKI.
H.R. 748: Ms. SCHWARTZ.
H.R. 876: Mr. UDALL of Colorado.
H.R. 943: Mr. JOHNSON of Illinois.
H.R. 992: Mrs. LOWEY.
H.R. 1014: Mr. CUELLAR, Mr. MCINTYRE, and Mr. HALL of Texas.
H.R. 1032: Mr. GENE GREEN of Texas, Ms. FALLIN, Mr. ELLISON, and Ms. HARMAN.
H.R. 1043: Mr. DOYLE.
H.R. 1078: Mrs. WILSON of New Mexico.
H.R. 1095: Mr. SOUDER.
H.R. 1108: Mr. BILBRAY.
H.R. 1110: Mr. ELLISON.
H.R. 1148: Ms. DEGETTE.
H.R. 1188: Mr. SMITH of New Jersey, Mrs. MALONEY of New York, Mr. ETHERIDGE, and Mr. BOOZMAN.
H.R. 1198: Mr. MCGOVERN and Mr. REYNOLDS.
H.R. 1222: Mr. BLUMENAUER and Mr. MCKEON.
H.R. 1228: Mr. PICKERING, Mr. MAHONEY of Florida, Mr. CARNAHAN, Mrs. DAVIS of California, Mr. BRALEY of Iowa, Mr. COURTNEY, Mr. PERLMUTTER, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. EMANUEL, Mr. YARMUTH, Mr. SNYDER, Mr. ELLISON, and Mr. LARSON of Connecticut.
H.R. 1237: Mr. BRADY of Pennsylvania, Mr. MCINTYRE, Mr. WELCH of Vermont, Mr. SHADEGG, Mr. BUCHANAN, and Mrs. CHRISTENSEN.
H.R. 1256: Mr. TOM DAVIS of Virginia and Mr. FILNER.
H.R. 1304: Ms. FOXX.
H.R. 1363: Mr. CARNEY, Mr. YARMUTH, and Mr. GUTIERREZ.
H.R. 1418: Mr. EMANUEL.
H.R. 1424: Mr. SMITH of Texas.
H.R. 1436: Mr. ROTHMAN.
H.R. 1439: Mrs. BONO MACK.
H.R. 1514: Ms. WASSERMAN SCHULTZ.
H.R. 1524: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1554: Mr. CARNEY.
H.R. 1576: Mr. RODRIGUEZ and Mr. THORNBERRY.
H.R. 1596: Mr. WITTMAN of Virginia.
H.R. 1621: Mr. TIM MURPHY of Pennsylvania.
H.R. 1653: Mr. KENNEDY.
H.R. 1767: Mr. SHUSTER, Ms. GINNY BROWN-WAITE of Florida, and Mr. HILL.
H.R. 1783: Mr. LEWIS of Georgia and Mrs. NAPOLITANO.
H.R. 1818: Mr. BROWN of South Carolina.
H.R. 1820: Ms. ZOE LOFGREN of California, Mr. ELLISON, and Ms. SCHAKOWSKY.
H.R. 1841: Mrs. CAPPS.
H.R. 1850: Mr. HASTINGS of Florida.
H.R. 1884: Mr. SESTAK and Ms. VELÁZQUEZ.
H.R. 1921: Mr. STARK.
H.R. 2053: Mrs. WILSON of New Mexico and Mr. PASCRELL.
H.R. 2122: Mr. COURTNEY.
H.R. 2165: Mr. TOWNS, Mr. PASTOR, and Mr. FRANK of Massachusetts.
H.R. 2183: Mr. BILIRAKIS.
H.R. 2238: Mr. SERRANO.
H.R. 2325: Mr. SPACE.
H.R. 2370: Mr. KILDEE and Mr. AKIN.
H.R. 2380: Mr. ROSS.
H.R. 2514: Mr. BISHOP of New York and Mr. ENGLISH of Pennsylvania.
H.R. 2652: Mr. WITTMAN of Virginia.
H.R. 2702: Mr. DEFAZIO, Mr. JONES of North Carolina, Mrs. CAPPS, Mr. GORDON, Ms. ESHOO, and Mr. FRANK of Massachusetts.
H.R. 2790: Mr. SESTAK.
H.R. 2805: Mr. PAUL, Mr. GONZALEZ, Mr. LATHAM, Mr. WALBERG, Mr. JEFFERSON, Mr. ABERCROMBIE, Mr. BISHOP of Utah, Mr. LATOURETTE, Mrs. BOYDA of Kansas, Mr. GENE GREEN of Texas, Mr. BRALEY of Iowa, Mr. CAPUANO, and Mr. INSLEE.
H.R. 2894: Mr. GRIJALVA, Ms. SOLIS, and Mr. DONNELLY.
H.R. 2915: Mr. SHAYS and Ms. WATSON.
H.R. 2925: Mr. ROSS.
H.R. 2994: Ms. SHEA-PORTER.
H.R. 3151: Mr. HELLER.
H.R. 3309: Mr. RUPPERSBERGER.
H.R. 3334: Mrs. WILSON of New Mexico.
H.R. 3366: Ms. DEGETTE.
H.R. 3452: Ms. CORRINE BROWN of Florida.
H.R. 3457: Mr. STARK.
H.R. 3463: Mr. GILCHREST.
H.R. 3533: Mr. YARMUTH and Mr. MCCOTTER.
H.R. 3547: Ms. SLAUGHTER.
H.R. 3646: Mr. DAVID DAVIS of Tennessee and Mr. CANNON.
H.R. 3681: Mr. BROWN of South Carolina.
H.R. 3697: Mr. TIM MURPHY of Pennsylvania.
H.R. 3717: Mr. BRALEY of Iowa.
H.R. 3724: Mr. ENGLISH of Pennsylvania.
H.R. 3797: Mr. VAN HOLLEN and Ms. MOORE of Wisconsin.
H.R. 3799: Mr. ELLISON.
H.R. 3819: Mr. MCINTYRE and Ms. FOXX.
H.R. 3820: Mr. UPTON.
H.R. 3825: Mr. JOHNSON of Georgia, Mr. FILNER, Mr. DAVIS of Illinois, and Ms. GRANGER.
H.R. 3846: Mr. ROTHMAN and Mr. BISHOP of New York.
H.R. 3981: Mr. GILCHREST, Ms. DEGETTE, Mrs. LOWEY, Mr. MCDERMOTT, Ms. SUTTON, Mr. MCGOVERN, and Mr. PICKERING.
H.R. 3995: Mr. STARK and Ms. WASSERMAN SCHULTZ.
H.R. 4001: Mr. LAMPSON, Mr. RUPPERSBERGER, and Mr. TAYLOR.
H.R. 4008: Mr. VISCLOSKY and Mr. BOOZMAN.
H.R. 4022: Mr. MCDERMOTT.
H.R. 4061: Mr. SCOTT of Georgia, Mr. HODES, and Mr. BUCHANAN.
H.R. 4063: Ms. MATSUI, Mr. BUTTERFIELD, Ms. DEGETTE, and Ms. SCHAKOWSKY.
H.R. 4089: Ms. WOOLSEY, Mr. MICHAUD, and Mr. WALZ of Minnesota.
H.R. 4105: Ms. GIFFORDS.
H.R. 4106: Mr. CLAY, Mr. LYNCH, and Mr. MORAN of Virginia.
H.R. 4107: Ms. WASSERMAN SCHULTZ.
H.R. 4139: Mr. BERRY and Mr. MICHAUD.
H.R. 4172: Mr. DONNELLY.
H.R. 4236: Ms. DELAURO, Mr. ALTMIRE, and Ms. BALDWIN.
H.R. 4237: Mr. MCDERMOTT and Mr. MURPHY of Connecticut.
H.R. 4266: Mr. SKELTON.
H.R. 4279: Mr. COBLE.
H.R. 4296: Mr. BRADY of Pennsylvania and Mr. SMITH of Washington.
H.R. 4304: Mr. WESTMORELAND.
H.R. 4318: Mr. CAMP of Michigan.
H.R. 4335: Ms. SHEA-PORTER.
H.R. 4355: Mr. MCHUGH, Mr. SESSIONS, and Mr. DOOLITTLE.
H.R. 4829: Mr. HINOJOSA.
H.R. 4837: Mr. ENGLISH of Pennsylvania.
H.R. 4847: Mr. PAYNE, Mr. SCOTT of Virginia, Mrs. EMERSON, Mr. WU, and Ms. Richardson.
H.R. 4926: Mr. GENE GREEN of Texas, Mrs. LOWEY, and Mr. ISSA.
H.R. 4934: Ms. ZOE LOFGREN of California and Mr. BLUMENAUER.
H.R. 4995: Mr. SALI.
H.R. 5036: Mrs. LOWEY.
H.R. 5057: Mr. PATRICK MURPHY of Pennsylvania, Mr. SCHIFF, Mr. ABERCROMBIE, and Mr. NADLER.
H.R. 5087: Mr. DONNELLY.
H.R. 5109: Mr. ALEXANDER and Mr. LEWIS of Kentucky.
H.R. 5110: Mr. ISRAEL, Mr. CARNAHAN, and Mr. SERRANO.
H.R. 5124: Mr. HALL of Texas.
H.R. 5143: Mrs. LOWEY, Mr. CLAY, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. SESTAK, Mr. CONYERS, and Ms. SUTTON.
H.R. 5148: Mr. UPTON, Mr. FORTENBERRY, Mrs. NAPOLITANO, Mr. HENSARLING, and Mr. BOSWELL.
H.R. 5152: Mr. NADLER.
H.R. 5161: Mr. COSTELLO.
H.R. 5171: Mr. MORAN of Virginia.
H.R. 5173: Ms. SCHAKOWSKY, Mr. SERRANO, Mr. COHEN, Mr. YARMUTH, and Mrs. BOYDA of Kansas.
H.R. 5175: Mr. CANNON.
H.R. 5222: Mr. JONES of North Carolina, Mr. CAMP of Michigan, and Mr. GALLEGLY.
H.R. 5235: Mr. MCCARTHY of California, Mrs. MYRICK, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5244: Mr. STARK, Mr. HARE, Ms. SLAUGHTER, and Mr. CAPUANO.
H.R. 5265: Mr. HODES, Mr. WOLF, Mr. LOBIONDO, and Mr. Wittman of Virginia.
H.R. 5315: Mr. AL GREEN of Texas and Mr. RODRIGUEZ.
H.R. 5395: Mr. HULSHOF, Mr. ROTHMAN, Mr. GRIJALVA, Mr. JEFFERSON, Mr. WYNN, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. CLYBURN, and Mr. JOHNSON of Georgia.
H.R. 5401: Mr. GRIJALVA, Mr. BLUMENAUER, and Mr. HONDA.
H.R. 5428: Mr. FILNER.
H.R. 5443: Mr. WILSON of South Carolina, Mr. ENGEL, and Ms. BORDALLO.
H.R. 5447: Mr. JOHNSON of Georgia, Ms. NORTON, Mr. ENGLISH of Pennsylvania, Mr. PASTOR, and Ms. WOOLSEY.
H.R. 5461: Ms. DELAURO, Mr. SERRANO, and Mr. GENE GREEN of Texas.
H.R. 5464: Mr. CONYERS and Mr. MORAN of Virginia.
H.R. 5466: Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mr. COOPER, and Ms. WOOLSEY.
H.R. 5475: Mr. SKELTON, Mr. ENGEL, and Ms. WASSERMAN SCHULTZ.
H.R. 5481: Mr. WILSON of South Carolina and Mr. BISHOP of Georgia.
H.R. 5505: Mr. SHIMKUS, Mr. DAVIS of Illinois, and Mr. CLAY.
H.R. 5513: Mr. ROGERS of Michigan.
H.J. Res. 68: Mr. DAVIS of Illinois.
H. Con. Res. 75: Mr. MURPHY of Connecticut, Mr. LEWIS of Georgia, and Mr. TOWNS.
H. Con. Res. 223: Mr. Issa and Mr. GOODLATTE.
H. Con. Res. 255: Mr. SHERMAN.
H. Con. Res. 276: Mr. VAN HOLLEN and Mr. BAIRD.
H. Con. Res. 292: Mr. RYAN of Ohio, Ms. WATERS, and Mr. DREIER.
H. Con. Res. 295: Mrs. DRAKE, Mr. CULBERSON, and Mr. LATTA.
H. Con. Res. 302: Mr. BILBRAY and Mr. ALTMIRE.
H. Res. 185: Mr. MORAN of Virginia.
H. Res. 276: Mr. JONES of North Carolina.
H. Res. 543: Mr. BRADY of Pennsylvania, and Mr. WILSON of Ohio.
H. Res. 679: Mr. ENGLISH of Pennsylvania.
H. Res. 821: Mrs. MYRICK.
H. Res. 845: Ms. BORDALLO.
H. Res. 896: Mr. CLAY, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. AL GREEN of Texas, and Mr. HINOJOSA.
H. Res. 911: Mr. CARNAHAN, Mr. PATRICK MURPHY of Pennsylvania, and Mr. COURTNEY.

H. Res. 924: Ms. CASTOR, Mr. ALTMIRE, Mr. MITCHELL, Mr. COURTNEY, Mr. KLEIN of Florida, Mr. WALZ of Minnesota, Mr. HILL, Mr. KIND, Mr. CLAY, and Mr. BOUSTANY.

H. Res. 935: Mr. HINCHEY.

H. Res. 936: Mr. HINCHEY.

H. Res. 945: Mr. MCCOTTER.

H. Res. 951: Mr. PATRICK MURPHY of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. RYAN of Wisconsin, Mr. BILIRAKIS, Mr. BISHOP of New York, Mr. BARRETT of South Carolina, Mr. ALTMIRE, Mrs. TAUSCHER, Mrs. DRAKE, Mr. THOMPSON of California, Mr. GONZALEZ, Mr. CUELLAR, Mr. YARMUTH, Mr. BURGESS, Mr. BOREN, Mr. GRIJALVA, Mr. FORTENBERRY, Mr. SALAZAR, Mr. DOYLE, Mr. BOSWELL, Mrs. LOWEY, Mr. DONNELLY, Mr. LUCAS, Mr. DAVIS of Alabama, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. SARBANES, Mr. FILNER, Mr. JACKSON of Illinois, Mr. HILL, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. UDALL of New Mexico, Ms. PRYCE of Ohio, Ms. DEGETTE, Mr. AKIN, Mr. HAYES, Mr. BROWN of South Carolina, Mr. ALLEN, Mr. SCOTT of Georgia, Mr. RAMSTAD, Mrs. SCHMIDT, Mr. VAN HOLLEN, Mrs. BACHMANN, Mr. RYAN of Ohio, Ms. HERSETH Sandlin, Mr. SMITH of New Jersey, Mr. HULSHOF, Mr. PUTNAM, Mr. PERLMUTTER, Mr. LATTA, Mr. HUNTER, Mr. ADERHOLT, Mr. POMEROY, Ms. TSONGAS, Mr. COSTA, Mr. BUCHANAN, Mr. MCCARTHY of California, Mr. MILLER of North Carolina, and Mr. MCNERNEY.

H. Res. 952: Mr. WEINER and Mr. JONES of North Carolina.

H. Res. 953: Mr. INGLIS of South Carolina and Mr. BOOZMAN.

H. Res. 962: Ms. WOOLSEY, Ms. LEE, and Ms. SOLIS.

H. Res. 973: Mr. KENNEDY, Ms. CASTOR, and Ms. SCHAKOWSKY.

H. Res. 977: Ms. SHEA-PORTER.

H. Res. 981: Mr. BUTTERFIELD, Mr. BILBRAY, Mr. GORDON, Mr. MACK, Mr. MARKEY, Mr. GONZALEZ, Mr. ALLEN, Mr. BOUCHER, Mr. RUPPERSBERGER, Mr. SNYDER, Mr. CROWLEY, Mr. WOLF, and Mr. BOOZMAN.

H. Res. 988: Mr. DONNELLY, Mr. ELLSWORTH, Mr. CHANDLER, Mr. MELANCON, Mr. ORTIZ, Mr. DUNCAN, and Mr. WAXMAN.

H. Res. 991: Mr. BISHOP of New York, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. CROWLEY, Mr. TOWNS, Mrs. MALONEY of New York, Mr. ENGEL, Mrs. GILLIBRAND Mr. MCNULTY, Mr. HINCHEY, Mr. WALSH of New York, Mr. HIGGINS, Mr. KUHL of New York, Mr. WEINER, and Mr. HALL of New York.

H. Res. 992: Mr. BISHOP of Georgia, Mr. TOWNS, Mr. RYAN of Ohio, Mr. ROTHMAN, Ms. GIFFORDS, Mr. HINCHEY, Ms. NORTON, Mr. DAVIS of Illinois, and Ms. BORDALLO.

H. Res. 1007: Ms. BORDALLO.

H. Res. 1008: Mr. BERMAN, Mr. ENGEL, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. MCGOVERN, and Mr. PENCE.

H. Res. 1011: Mr. JEFFERSON and Mr. CAPUANO.

H. Res. 1012: Mr. BLUNT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Carolyn McCarthy, or a designee, to H.R. 2857, the Generations Invigorating Volunteerism and Education (GIVE) Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

219. The SPEAKER presented a petition of the City of Fruitland Park, Florida, relative to a letter informing the Congress of the United States that the City of Fruitland Park did not receive any requests for social security numbers for calendar year 2007; which was referred to the Committee on Ways and Means.

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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, MARCH *4*, 2008 *No. 36*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Father of all, we pray today for our Senators. You said in Your Word that we should pray for those who govern so that we may live quiet and peaceable lives in all Godliness and honesty. So we ask You to walk beside our lawmakers. Give them wisdom and knowledge. May discretion be their shield, delivering them from the evil path. Direct their decisions and infuse them with the spirit of knowledge and discernment. Deliver them from all littleness of heart, shallowness of mind, and smugness of spirit that would keep them from embracing Your purposes. Draw them into deeper friendship with You and each other.

We pray in the Name of Him who gives us life eternal. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 4, 2008.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican Leader, the Senate will be in a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each and the time controlled between the two leaders or their designees. Following morning business, the Senate will proceed to the consideration of S. 2663, the bill to reform the Consumer Product Safety Commission. The Senate will stand in recess from 12:30 until 2:15 p.m. to allow for the weekly caucus lunches.

We are going to do everything within our power to finish the CPSC bill this week. Everyone should understand that we have to complete the bill this week because next week we have to be on the budget. So I would hope everyone understands that if we finish this bill at a decent hour on Thursday, we will be out Thursday; otherwise, we are going to have to work until we complete it, whatever that takes.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the majority controlling the first half of the time and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

BOEING LOSES

Mrs. MURRAY. Mr. President, last Friday I stood on the floor of the 767 line with workers in Everett, WA, who have put their hearts and their souls into making Boeing airplanes. I was there as those workers learned that after 50 years—five decades—the Air Force no longer wants them to build its refueling tankers. I saw the dismay in their eyes when they learned their Government is going to outsource one of the largest defense contracts in history to the French company Airbus. It was devastating news for Boeing, for American workers, and for America's men and women in uniform.

Today, those workers are frustrated, and they are angry, not only because the tanker contract would mean 44,000 new American jobs in 40 States, including 9,000 in my home State of Washington; they are frustrated and angry because their Government let them down. They are frustrated and angry because their Government wants to take American tax dollars, their tax dollars, and give that money to a foreign company to build planes for our military.

I am frustrated and angry, too, because I cannot think of a worse time for a worse decision. Our economy is hurting. We are nearing a recession, if we are not already there. Families are struggling just to get by, in part because their factory jobs have been moved overseas.

This tanker contract was not just one defense contract, it was a key piece

of our national and economic security. The Boeing 767 tanker would have helped stabilize and strengthen the American aerospace industry. We are hemorrhaging manufacturing jobs to foreign countries already, so I cannot imagine why, at a time like this, our Government would decide to take 44,000 American jobs, good jobs, and give them to the Europeans instead of securing the American economy and our military while we are at war. We are creating a European economic stimulus plan at the expense of U.S. workers.

I have a lot of tough questions I hope I will get answers to soon because there seems to be some real disconnect here. For one, how can we, while we are at war across the globe, justify putting a contract that involves military security into the hands of a foreign government? Outsourcing a key piece of our American military capabilities to any foreign company is a national security risk.

Airbus and its parent company, EADS, have already given us reason to worry about how hard they will work to protect our security interests.

In 2005, EADS was caught trying to sell military helicopters to Iran despite our concern about Iran's support of terrorists in Iraq and their efforts to develop nuclear weapons. When they were confronted, EADS answered that as a European country, they were not supposed to take into account embargos from the United States. Well, that is the company to which the Air Force is now going to give a major military contract. But that is just one example. In 2006, EADS tried to sell C–295 and CN–235 transport and patrol planes to Venezuela—a circumvention of U.S. law. We prohibit foreign countries from selling military products containing U.S.-made military technology to third countries without U.S. approval. Part of the reason is because we want to keep our weapons from falling into the hands of countries such as Venezuela which have threatened U.S. security and mean us harm. We cannot trust a foreign company to keep our military's best interests in mind, especially one that has a history of trying to sell weapons and military technology to unfriendly countries.

But you know what, I think this raises a bigger question too. What happens if France or Russia—which is pushing to increase its stake in EADS, by the way—decided it wants to slow down our military capacity because it does not like our policy? Do we want another country to have that kind of control? I think that is one of the questions we need to answer, and we need to answer it now.

I also want to know why this Government would choose an unproven plane using unproven technology for a program that is so vital to our U.S. Air Force. Tankers are so important to our military that Army GEN Hugh Shelton, who was the former Chairman of the Joint Chiefs, said that the motto of the tanker and airlift forces should be ''try fighting without us.''

Boeing has 75 years of experience designing planes for our Air Force. Boeing's tanker has been a reliable part of the U.S. military fleet for so long that we have squadron pilots whose fathers and even grandfathers have flown them. Boeing could have started building these tankers immediately.

In Everett, the machinists call Airbus's tanker a ''paper airplane.'' Why? Because Airbus's tanker only exists on a sheet of paper. Now, although Airbus has taken contracts for tankers, it has not yet actually delivered a single refueling tanker, ever. Yet our Air Force just picked that plane—that ''paper airplane''—to serve one of military's most critical functions.

Finally, I do not understand why the Air Force did not take jobs into consideration when it awarded this contract. Yet that is what they said on Friday. The Air Force said simply that Airbus's tanker will be an American plane with an American flag on it. Well, you know what, you can put an American sticker on a plane and call it American, but that does not make it American-made, especially if it was made in France. It seems to me extraordinary that when the military is deciding how to spend $40 billion in American taxpayers' hard-earned dollars, it would not at least consider the effects it would have on the economy.

This is not just $40 billion either, and it is not just 44,000 jobs; it is much bigger because this affects Boeing's entire 767 line and all of the communities that depend upon it. In Everett, we know this. Boeing's health touches everything: how much people spend on groceries and clothes and whether they can buy a car or even a home. I think the Everett Herald put it in perspective Saturday when it quoted the general manager of our local mall, who said:

When Boeing sneezes, we all grab for the Kleenex.

This loss is going to be felt in our homes and our businesses and communities throughout Washington State and the entire country wherever there is a Boeing factory or a Boeing supplier.

Now, my colleagues from Alabama came on the floor last night and defended Airbus. They argued that this contract does not outsource jobs. We still do not really know how many jobs Airbus might create in the United States. That has not been decided. The only thing we know for sure is that much if not most of the initial work will be done overseas. And today, guess what. The Europeans are celebrating that. The United Kingdom's Business Secretary is already counting the jobs. Do not listen to me. Listen to what they are saying in their papers overseas over the weekend after the contract was announced.

UK's Business Secretary, John Hutton, quoted in the papers in Europe over the weekend:

The massive contract will secure a number of years of work for the UK industry benefitting not just Airbus UK, but also many other UK suppliers.

The German Government's coordinator for the aerospace industry said over the weekend:

It is a massive breakthrough for the European aerospace industry on the key American market.

They are not talking about jobs that might be created in the United States, they are talking about jobs that are being created—and lots of them—in the European Union. For decades, we have been talking about this, and now here we are.

What does France's Prime Minister say? He said of the victory over the weekend:

It testifies to the competitiveness of our industry and does honor to France and Europe.

They are not celebrating this as an American victory, they are celebrating it as a victory for France and Europe. Europe has provided subsidies for decades to prop up this company, Airbus, and EADS-Airbus is a European jobs program that has created an uneven playing field and led to tens of thousands of layoffs here in the United States. Europeans are willing to do anything to distort the market and beat out Boeing.

The tanker they will supply for the military is a result of that decades-long effort. I have for years—and my colleagues know this—been coming out here and urging the administration and Congress to fight to save America's aerospace industry from a European takeover in order to save American jobs. We have demanded that Europe stop the subsidies and play by the rules. In fact, because of EADS illegal tactics, the U.S. Government right now has a WTO case pending against Airbus, the same company to which we are now awarding a $40 billion contract. It took us 100 years to build the aerospace industry in this country. We have to defend it. Once those plants are shut down and our skilled workers move on to other fields, we cannot recreate that overnight. What did the administration turn around and do? It handed Airbus $40 billion of taxpayer money and 44,000 jobs and did ''honor to France and Europe.'' It is no wonder Boeing's workers are angry. One worker said to me: It is a slap in the face. Many others are asking: How could this happen?

I am angry too. I am looking forward to asking these questions of the administration. The hard-working Americans in my State and across the country deserve to know why this administration has given their jobs and a contract involving a major piece of our military capability to France.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, what on Earth is going on here? I am extremely disappointed. No, I am shocked. This isn't shock and awe; this is shock and shock over the Air Force's decision to choose EADS or Airbus

over Boeing to make our critical new aerial refueling tanker. This is the Air Force, not Alice in Wonderland. I pay credit and associate myself with the remarks of the distinguished Senator from Washington, Mrs. MURRAY, and thank her for reserving this time, for taking a leadership role, along with her colleague from Washington, Senator CANTWELL. I thank them both for their efforts. We are going to need a bipartisan approach to this to see if we can't get some answers.

Simply put, it does not make sense that the Air Force would choose a foreign entity that has no prior tanker experience to build the next generation of refueling aircraft for the men and women of our Air Force. I met with the Air Force yesterday. I appreciate that. It was about an hour and a half meeting. It was not pleasant. We had what we call ''meaningful dialog.'' I am still not satisfied with their conclusion. In fact, I think there are many more questions that must be answered before this bid conclusion should move forward.

For example, as the distinguished Senator has pointed out, why can't the Air Force brief Boeing sooner than next week? We already have leaks all over this town as to exactly what happened and the specifics of the RFP and the bid selection and everything else, but Boeing has not had a debriefing. Yesterday the Air Force said it was OK, that Boeing said: Fine, we are OK with a briefing next week on Tuesday. That is not the case.

The two competitors were originally told that the briefing would be within 4 to 5 days of the contract announcement. The Air Force is not holding up to that bargain. Why did the secondary cargo mission—i.e., a larger plane—factor so large in the announcement briefing when this was a competition for a tanker? How could an airplane as large as the A330, which burns 24 percent more in fuel than the KC–767, possibly be valued as less costly? How did the Air Force evaluate the risk associated with a foreign government owning and subsidizing the Airbus tanker? Why were the fixed price options discussed at the announcement brief when the life-cycle cost was supposed to be the only measure? Is the Air Force concerned about delays and other issues stemming from the fact that EADS Airbus have never built a tanker with a boom? Will the Air Force need new equipment to deal with the repair of a foreign tanker? Why does the Air Force place cargo space over fuel efficiency and the ability to land and take off from more places? Where is this larger airplane going to land? Is the Air Force prepared to pay way more for the Airbus because of the amount of fuel it takes to fly them and the amount of capital it takes to open a brandnew assembly line in Europe? Is the Air Force aware that they currently do not use all of their available cargo space in the fleet? Is the Air Force aware that the Boeing 767 would provide even greater cargo space than they have now?

What about the issues regarding the fact that the EADS Airbus company made the Lakota light utility helicopter? The way it was delivered, it can't even fly on hot days. They are putting air conditioning units in that helicopter. That makes it modified and makes it less maneuverable.

Is the Air Force at all concerned with the backlash, described by Senator MURRAY, all across this country regarding the fact that they did not consider American jobs, much less the WTO dispute with Airbus or government subsidies issue with the EADS proposal? I can tell you, I hope I have been able to express my dismay over the Air Force's choice, but the problems simply don't end there. The Airbus frame will be made in Europe. There is no question about that. The nose will be made in France, the wings in Great Britain, and part of the fuselage in Germany. Bonjour, the Air Force has certainly gone into the wild blue European yonder, and they have never done this before.

The Air Force gave no consideration to the fact that Boeing has built a tanker that lasted over 50 years. With every airframe being built in France, we are paying for the French national health care system. What kind of sense does that make? In fact, they gave more credit to Northrup Grumman for making other defense systems as recently as last year than they did Boeing. That is saying something about this competition when you consider Northrup won't even be making most of the plane. Airbus will. Again and again in this competition, the Air Force has not judged the two bids fairly. Not only did they not consider past performance accurately, they also placed a much higher price on the cargo space than they led anyone to believe.

As my colleague from Kansas, Congressman TODD TIAHRT, expressed yesterday in the meeting with the Air Force, if they wanted an aircraft as large as the KC–10, they should have put out an RFP for one. But they didn't. They asked for a tanker, and that is what Boeing proposed. Airbus proposed something much different. It is my opinion that the men and women flying those aircraft are going to suffer for it.

Make no mistake: Unless something changes, we will be dealing with the ramifications of this bid for the next 80 years. It will take Airbus longer to start up the assembly line than Boeing, and it will take them longer to produce a viable plane. When they finally do, that plane will be just plain too big.

I am deeply troubled by this announcement. I expect to see a very detailed documentation on the questions we raised yesterday that were not answered from the Air Force. I also expect them to brief both competitors quickly. The long and short of it is, if this decision holds, it will be at the cost of American jobs, American dollars, if not our national security.

I again thank Senator MURRAY for reserving this time and yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HOUSING CRISIS

Mr. MCCONNELL. Mr. President, I wish to take a few moments of my leader time, not to interfere in the record with this discussion that has been ongoing between the Senators from Kansas and Washington.

Last week we debated housing. Democrats want to raise monthly mortgage payments on everyone who wants to buy a new home or refinance an existing one. Republicans have a broader, bolder plan. We want to create the economic conditions that make home ownership easier—more jobs and higher wages. Our first priority is to help families who are either facing foreclosure or seeing the values of their homes drop as a result of other foreclosures nearby.

This morning I want to talk about one specific action we can take to help these families. Home values are falling not only because of cut-rate sell-offs by banks but also because areas with high volume and vacant homes often see an increase in crime and neglect. One thing government has done in the past to the help reverse a slide in home values is to make tax credits available to people who pick up foreclosed homes in affected areas. This worked in the mid-1970s when a period of easing credit led to overconstruction and higher interest rates. Congress responded with a $6,000 tax credit spread over 3 years for anyone who bought a new home for their primary residence. This is what they did back in the 1970s. Home values were stabilized. Inventory dropped, and the housing market recovered.

Congress should do the same today. Senator JOHNNY ISAKSON of Georgia, a real expert in real estate and housing, who spent decades in that field, has a fabulous idea. He saw the good effects of the tax credit that Congress provided back in the 1970s. Now he is proposing a $15,000 credit spread over 3 years for people who buy newer homes with a first mortgage in default or single-family homes in the possession of a bank. Let me say that again. He is proposing a $15,000 tax credit spread over 3 years for people who buy newer homes with a first mortgage in default or single family homes in the possession of a bank. Buyers must occupy those homes as their principal residence to be eligible. We are not about to let speculators come in and make the current problem even worse.

This is one idea Republicans are proposing to help families struggling with the painful effects of the housing downturn. I mentioned some of these ideas yesterday. We will discuss others as the week goes on.

A lot of families need urgent relief. They should know the Government is doing everything it can, without damaging our long-term economy, to help them through a very difficult stretch. We certainly should avoid measures that make the underlying situation worse, as the centerpiece of the Democrats' response to the housing situation would certainly make happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

BOEING LOSES

Ms. CANTWELL. Mr. President, I rise to join my colleagues, the senior Senator from Washington, Mrs. MURRAY, who did an eloquent job talking about the shocking news that came out last Friday about the Air Force's decision to go with the KC–30 tanker over the Boeing KC–767 plane. I know my colleagues from Kansas want to continue this dialog as well.

What we see is a lot of concern and questions that have not been answered by the Air Force. I appreciate the fact that Speaker PELOSI also issued a statement today questioning the decision by the Air Force and asking for further congressional review. That is why my colleagues are here this morning. We want answers from the Air Force. Frankly, we don't want to wait another week to get them. For 75 years, Boeing has been making tanker products. They know what they are doing. They submitted a bid to the Air Force for a more flexible plane with a cost-effective life cycle. It has proven boom technology. This technology is used to refuel aircraft for the militaries all over the world. Other governments have already bought this product and have made the decision to use this technology. It is amazing to my colleagues and me that the Air Force would make this decision about these planes based one bid that is a proven technology and has proven successful for more than 70 years and all of a sudden switch to a product that has yet to be built and yet to be proven. The Air Force has made assertions and assumptions without giving Congress the answers.

What I am really amazed about, frankly, is that we are seeing some of the highest fuel costs in America and that impacts our Air Force as well and I want to know why the Air Force picked such a large plane, when their specs clearly asked for a medium-sized plane. If the Air Force wanted a large plane, the Air Force should have simply asked for a large plane. The Boeing Company could have provided a 777 instead of the 767. But that is not what the Air Force asked. I take the Air Force at its word when they say they want to be more energy efficient. In fact, the Air Force uses more than half of all the fuel the U.S. Government consumes each year. Aviation fuel accounts for more than 80 percent of the Air Force's total energy bill. In 2006, they spent more than $5.8 billion for almost 2.6 billion gallons of jet fuel, more than twice what they spent in 2003.

If anybody thinks fuel costs are somehow magically going to come down, they are not. The Air Force needs to consider the impact of fuel costs in the future. In fact, I believe it is a national security concern as to where the Air Force is going to get fuel in the future.

Just last Friday, the Air Force Assistant Secretary told the House Armed Services Committee that it wants to leave a greener footprint with more environmentally sound energy resources. Well, if the Air Force is coming up to Capitol Hill talking about a greener, more fuel-efficient plane and at the same time awarding a contract for a plane that burns 24 percent more fuel than the Boeing KC–767, they do not have their act together.

This is what Assistant Secretary Bill Anderson said:

> The increasing costs of energy and the nation's commitment to reducing its dependence on foreign oil have led to the development of the Air Force energy strategy—to reduce demand, increase supply and change the culture within the Air Force so that energy is a consideration in everything we do.

Well, I certainly want to know what consideration the Air Force gave to this new energy mandate in their decision to go with the KC–30 over the KC–767, when the Boeing plane is 24 percent more fuel efficient.

Now, one of the things the Air Force stressed in the contract announcement was the size of the KC–30. It is a slightly bigger plane, and the Air Force claims to want that larger plane because it can carry more fuel. However, that fuel is going to cost us.

Since the Vietnam war, the average amount of fuel offloaded from these air tankers is 70,000 pounds. When these tankers are out refueling planes the average amount of fuel they need to carry to complete a mission is less than 70,000 pounds, and that is during combat operations when they are very busy, which obviously would be less during in peacetime operations. This begs the question: Why did the Air Force choose a foreign-built tanker that has the capacity to carry 245,000 pounds of fuel versus the right-sized plane from Boeing that carries 205,000 pounds of fuel? Why did they choose a plane they know is going to have more expensive life cycle costs and more expensive on fuel costs, instead of buying the right sized plane? That would be like driving a humvee to the Capitol every day when you could drive a more fuel-efficient car. The Air Force has to live up to their commitment to a greener energy strategy.

The second issue that is troubling to me is the fact that there is an issue about runway, ramp, and infrastructure capacity. The KC–767 tanker is a smaller plane, it has ability to land on many more airstrips we have access to around the world. The Boeing tanker can land on shorter runways, takes up less ramp space, and altogether needs less infrastructure. The KC–767 can operate at over 1,000 bases and airstrips worldwide.

For example, at a strategic central Asian airbase in Manas, Kyrgyzstan that I think is key to the war on terrorism, the current runway cannot support the KC–30 plane. It cannot support the plane the Air Force just selected. However, it can support the KC–767 that Boeing offered. Again, it begs the question: why did the Air Force would choose a larger plane when it knows it is going to be unable to land at many bases and airstrips? Are we going to have to pay for the cost of infrastructure improvements of that as well?

It is very important, given these fuel issues and these infrastructure issues, that the Air Force prove to Congress that the cost-effectiveness throughout the life cycle of this procurement really does pan out. If we are simply talking about buying cheaper planes up front, but the life-cycle cost of these planes turns out to be exorbitant—because the fuel is more expensive, because the plane cannot land at various bases—and you have to spend billions more on both of those things, that is very troubling.

The reason this is so troubling to me is because I have seen this same issue play out in the commercial marketplace. Airbus planes have been backed by government financing in the commercial markets, so they were able to put a cheaper plane out in front of many governments across the globe. Boeing, on the other hand, has proven with technology to have more fuel-efficient planes, and they were able to show people that the true life cycle costs of their planes were actually more cost effective. The end result is a WTO dispute over the financing of Airbus by government-backed operations.

What I am trying to say is that the private sector has figured it out. In the commercial space, fuel-efficient planes are paying their way. I wonder why the Air Force did not figure out the same scenario and did not figure out that they will save U.S. taxpayers' dollars by having a more fuel-efficient plane. I also ask the Air Force to explain when the Boeing tanker is 22 percent cheaper to maintain because of the flexibility advantages it has.

I have concerns that Boeing worked hard to meet the requirements the Air Force set. The 767 platform best matched what the Air Force wanted. If they wanted a bigger plane with more capacity, they simply could have asked for one. Yet here we are with a questionable decision that I think raises concerns about the ability of the Department of Defense to maintain critical skills. We need to make sure there is a homegrown workforce and engineers to deliver products we need.

The U.S. Government needs to consider the national security implications of fuel efficiency in this procurement decision. It needs to take a look

at the U.S. workforce and determine whether the loss of high-skill manufacturing jobs is impacting our national security. I plan to ask the Government Accountability Office to investigate these issues and report back to Congress so we can have a full debate and move ahead.

I will remind the Air Force that in the conclusion of their testimony last week before Congress, they stated: We will continue to wisely invest in our precious military construction and operations and maintenance. They highlighted energy as the key element wise investment. I think the Air Force has a lot of explaining to do, and I want to know why they have made this choice. I guarantee you that Congress will continue to ask the tough questions until the information is clear to everyone in America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority's time has expired.

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

Mr. BROWNBACK. Mr. President, thank you very much.

I thank my colleagues. I, too, am from a State that is keenly impacted by what is taking place on this bid proposal. The Air Force's decision to award a new tanker contract last week is a crowning achievement, not for the Air Force or the United States but for Airbus and the Europeans.

We were saying in our office, I wonder if in the future our young men and women going into the Air Force to fly these planes or to work on these planes are going to have to pass a test in French—''Parlez-vous francais?''—to be able to determine whether we can work on these aircraft. And to be able to get maintenance, equipment, and training, well, we are going to have to go to Europe to be able to do that. We are going to have to get the people who built them to tell us how to do it. I do not think that is right.

I also would like to say to my colleagues, I have been around this fight between Airbus and Boeing for a long time, and Airbus has subsidized itself directly into the commercial aviation market. They had zero market share 30 years ago. They started a European consortium called Airbus and EADS to be able to get at Boeing and into the commercial aviation market. They completely subsidized their way into it. It got to a point with the subsidies where they were taking over half of the marketplace in commercial aviation. Now here we go again. We are just now on the defense side of it. Instead of the commercial side, we are on the defense side.

This aircraft which EADS and Airbus have put together is heavily subsidized by European governments, by European treasuries, to be able to get a price point, to be able to compete against a well-known Boeing aircraft that has been in our fleet for decades, that has worked well for decades, that has been used to train our young pilots and multiple generations of pilots on this tanker. Now we are going to put those pilots in an Airbus plane, and they are going to land in fields all over the world in an Airbus airplane—our U.S. military risking life and limb—while the Europeans make money off of us and get into, by subsidization, a defense marketplace.

Make no mistake, this is just a start. This is what the Europeans did in commercial aviation. They started subsidizing commercial aviation. They got in one place, got all the market share, and subsidized into another one.

They do things called launch aid. I don't know, my colleagues probably are not familiar with launch aid, but launch aid is where European governments say: We will give you this much money to start this aircraft, and if you stop producing this aircraft, then you have to pay the money back. Well, it then pays them to keep producing the aircraft, and even selling it at a loss, because then they do not have to pay the launch aid back.

Well, now they are doing it in a defense contract field, and they start with tankers. The Europeans start with tankers. Then they will go with surveillance aircraft. Then they will move to other airframes, to where then is it going to be all of our major airframes that are going to be made by the Europeans?

I like the comment from my colleague from the State of Washington: What happens if the Europeans are not pleased with what we are doing in the war on terrorism or what we are doing in the defense of Israel and if then their governments start saying: Well, I don't like what your policy is in the Middle East. Now, as you know, what they do is they say: Well, we are not going to give you overflight rights. We are not going to let you fly your planes out of Germany or not let you fly your planes out of Great Britain. We are going to stop you.

What if in the future they start saying: We are not going to sell you spare parts. Then where are we at that point in time? What do we say to them? I do not know how to use my French enough to plead and beg for spare parts, but I really do not want to be in that spot, and I do not think we should.

As a friend of mine said to me this morning—he is for a very open trading system—he said: There are two things we should not be dependent upon other governments for: one is for your defense, and one is for your food. Those are just two things you should not be dependent upon another government for. Now we are going to be dependent for our defense on a European government that often goes a different way than us. I think this is crazy. For a decision that is going to last—as my colleague, my seatmate from Kansas, said—for up to 80 years, that just does not seem to be a smart way to go.

This is one Senator who is going to fight against this, who is going to fight against this in the appropriations process. I do not think it is smart. I think it is the wrong thing to do.

Mr. ROBERTS. Mr. President, will my colleague and friend yield for a question?

Mr. BROWNBACK. Yes, I will.

Mr. ROBERTS. I say to the Senator, you brought something up that I think is very important. As you look at the various countries that form up EADS and Airbus and that will participate in this joint effort, which is subsidized, even though we have a WTO case against them, what happens if these countries do not agree, as the Senator has pointed out, with our appropriate policy in regard to the war against terrorism or any other endeavor?

The example I would like to make is: Look at the amount of money these countries, in their gross domestic product, give to defense. The answer is almost zero. Look at the amount of investment they give to NATO, where we are now fighting al-Qaida in Afghanistan. A few countries will fight with us. Note the word I said: ''fight.'' As to other countries that are now receiving this contract, despite the fact they are subsidizing their own product, they are not fighting in Afghanistan. They are not contributing to NATO in a positive way. Some of them are there, but they do not enter into the battle.

Now, here we are, with the American taxpayer paying for the security of Europe and Europe really not facing up to the task of funding and participating in NATO to the extent they can. Yet, in regard to our national security with this particular purchase—and if you do not have tankers, you do not have global reach, you cannot go anywhere, you have access denial, and you cannot even fight the war in regard to Afghanistan or any future place. Yet they are absent without leave, they are not even there. So I think my friend has made an excellent point and I thank him for his comments. We are going to join in an effort to see what can be done because this is harmful not only in regards to workers in France, vis-a-vis these workers in America, but it involves our national security.

I think my colleague and my friend from Kansas has made an excellent point.

Mr. BROWNBACK. I appreciate my colleague joining with me. I wish to make two other quick points. One is I think we need a long-term economic model of the impact on our economy versus the impact on the European economy. Because I believe if you look at the true cost and if you look at the true impact of these jobs being in the United States versus subsidized jobs in Europe, you are going to see the long-term economic impact on this country and on our Government with the taxes our workers would pay will be better by building the plane here.

Second—and this is a strategic issue—this is a bigger plane that is being purchased by the military. It is going to need a longer landing strip. Are those longer landing strips going to be available in countries such as Azerbaijan or Kazakhstan or are we going to be able to get a longer runway to be able to land on? Now we have a plane that will carry more fuel, but it will take a longer landing strip. We can build those in the United States. We can build bigger hangars here. Can we around the world so we can have the reach we need?

Mrs. MURRAY. Mr. President, will the Senator from Kansas yield for a question?

Mr. BROWNBACK. I am happy to yield.

Mrs. MURRAY. I am listening to the Senator from Kansas, and he makes a very good point about the infrastructure that will be needed to be built to build these larger airplanes. Was any of the cost of building those runways or those hangars to accommodate the larger airplanes in part of the bid from Airbus?

Mr. BROWNBACK. I understand from the Air Force yesterday that some of it was, but I don't understand if it was—I do not know fully if it was just the U.S. cost or if it is also what we are going to have to get from other countries around the world on costs there for landing, longer landing strips, and bigger hangars to be able to put any of the aircraft in. So I don't know if that is fully in it as well. But these are huge, decade-long projects and costs.

Mrs. MURRAY. I thank the Senator. I think it is a point we have to look at in terms of the costs of providing this military contract to a subsidized foreign company as well as the future costs—not just for those airplanes but for the infrastructure to handle it and our capability of doing that.

Mr. BROWNBACK. Mr. President, we have just started this discussion, and I think it is a big one, I think it is an important one, whether we should be dependent upon European governments for our global reach in military for our aircraft. That is what tankers provide us is a global reach and whether we should be dependent on the European governments—upon the French, upon the Germans, upon the Brits—for our global reach. I don't think we should be. I think we have to look at the subsidization of this cost by the Europeans. I think that needs to be discounted and taken out of this proposal. I think we have to look at a long-term project, and we are going to be talking about this a lot before we go forward with this—as Chancellor Merkel called it, this giant success for Airbus and the European aviation industry. It may have been that it is at our cost. I am not going to stand still and let it happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, what is the regular business? Are we in morning business? Do we have a half hour?

The ACTING PRESIDENT pro tempore. We are in morning business and the Senator has a half hour.

THE BUDGET

Mr. GREGG. Mr. President, I am going to speak, and then I understand the Senator from Texas is going to speak a little bit about the coming events of the next 2 weeks which will be the issue of how we address the budget of the United States. This is an annual event, of course, and so what I am going to give is a little review of last year's budget and where we are going with this year's budget. I regret to say it is a review of what amounts to basically a horror movie because the budget which was produced last year by the Democratic Congress was a horrible thing for the American people in the way of increasing taxes and increasing spending and increasing debt on the American people.

Now, we will hear from the other side of the aisle: Well, the President's budget does this and the President's budget does that and the President's budget does this. However, I think the people who are listening to this discussion should understand the President has no legal responsibility in the area of the budget and producing the budget; that under the Budget Act, the President can send up a budget and that is where it stops. The actual budget is produced by the Congress of the United States, the House and the Senate. It is not—and this is important—it is not signed by the President of the United States. He cannot veto it. The budget of the United States is purely a child of and a product of the House and the Senate and the U.S. Government. So it is our responsibility—not the President's responsibility—to produce a budget that is responsible for the American people and especially for working Americans, so they are not overburdened by the Government, and for our children and our grandchildren, so we don't put too much debt on them as a government.

Last year was the first time the Democratic Congress produced a budget in 12 years. They had the benefit of the doubt. When they said they were going to control spending, people gave them the benefit of the doubt. When they said they were going to address the problems which we confront with entitlements because of the baby boom generation and the cost that is going to be put on our children, people gave them the benefit of the doubt. When they said they were going to use pay-go rules—this motherhood term—to discipline spending around here, people gave them the benefit of the doubt. When they said they weren't going to raise the national debt any more than the President was, people gave them the benefit of the doubt. When they said they weren't going to raise taxes on the American people, that they were going to find revenues by simply collecting taxes that were already owed, people gave them the benefit of the doubt.

Well, the shell game is over. The benefit of the doubt no longer applies. The record is in and the record is pretty dismal.

The budget from last year produced by the Democratic Congress increased taxes over a 5-year period by $736 billion. It dramatically increased spending. In the discretionary accounts, the Democratic budget last year, as it was finally executed, increased spending over what the President requested. The President requested a $60 billion increase in discretionary spending. It increased spending or proposed to increase spending when you combine the supplemental proposals and the actual budgeting proposals by over $40 billion. It added $2.5 trillion—trillion—to the Federal debt over the 5-year period. This term ''pay-go'' is the most abused term on the floor of the Senate and on the floor of the House in the area of fiscal discipline: ''Oh, we are going to use pay-go to discipline Federal spending.'' We hear that from every Democratic candidate starting with their Presidential candidates right down to their House Members.

Last year on 15 different occasions they either directly waived pay-go or they gamed it in the most cynical manner by changing dates, changing years, moving money here, moving money there, to the tune of $143 billion of new spending, which should have been subject to pay-go, which was not. It was simply added to the deficit and to the debt of our children, that our children will have to pay. They didn't do one thing about addressing the most significant fiscal issue we face as a country, which is the pending meltdown of our Nation's fiscal policy because of the $66 trillion of unfunded liability we have on the books as a result of obligations and commitments we have made to the baby boom generation which is beginning to retire right now—$66 trillion. The President at least sent up a package which proposed trying to discipline the rate of growth of entitlement spending—specifically Medicare—in very reasonable ways, by asking people such as Warren Buffett, for example, to pay a fair cost of their drug benefit—people over 65 who have a lot of money should pay some cost of their drug benefit; by using technology more aggressively, by limiting the number of lawsuits that are brought against doctors to something reasonable along what is known as the California or Texas models. The President's proposals would have limited this liability here as it related to health care by $8 trillion. It would have reduced it. They were reasonable proposals.

But the Democratic budget, as passed and as executed, not only didn't limit or reduce in any way this outyear liability, they actually aggravated it. They aggravated it dramatically, by $466 billion over a 5-year period. It was totally irresponsible.

On the tax side, this tax increase is real dollars—real dollars that Americans are going to have to pay. For 43 million Americans, under the Democratic budget as was passed last year, their taxes will go up by $2,300 a year—$2,300 a year beginning in 2011. For 18 million seniors, their taxes will go up by $2,200 a year—that is a lot of money for somebody—beginning in 2011. For low-income Americans, 7.8 million Americans who do not pay taxes today because the 10-percent bracket is in place, their taxes will go up. They will have to start paying taxes. For small businesspeople, 27 million small businesses that file what is known as a subchapter S, which means they basically are taxed as individuals, their taxes will go up on average $4,100. Those are real dollars people are going to have to pay in new taxes as a result of the Democratic budget.

Let's put it in another context. The Democratic budget, the nightmare budget, the shell budget, added $2.5 trillion to the debt: $736 billion in new taxes, $466 billion in new deficit spending in the area of mandatory increases, $205 billion over 5 years in discretionary increases over what the President suggested—huge increases, totally irresponsible.

Equally important, as I mentioned, here is the tax increase, discretionary increase, the debt increase under the Democratic budget and absolutely no mandatory savings, which is the biggest issue of concern for us as a nation as we look into the outyears from the standpoint of being able to pass on to our children affordable Government. If you give to your children the debts of today, this $2.5 trillion they added, and you put on top of that $66 trillion of debt as a result of Medicare and Medicaid and Social Security costs that we haven't figured out how we are going to pay for, you are essentially going to say to our children: I am sorry, you can't have as good a life as we have had as a generation. You are not going to be able to send your kids to college. You are not going to be able to buy your first house. You are not going to be able to live the quality of life Americans have been experiencing throughout the generation of the baby boom generation because we are going to put on you so much debt, so many costs, we are simply going to overwhelm you.

What did the Democratic budget do to address that? Nothing. A lot of lip service. In one of the most obscene—obscene is the only accurate term—actions of budgetary gimmickry, the Democratic budget claimed they were going to raise $300 billion in tax revenues from people who owe taxes but weren't paying them. This is how they are going to pay for all their new programs. They are going to raise $300 billion collected from people who owe taxes. Well, yes, those are the estimates. There is a huge amount of money out there that isn't being collected today and should be collected. But how much was collected under the Democratic budget of that owed and unpaid balance? Zero. Why was that? Why did they only get zero? Because they actually cut the dollars going to the Internal Revenue Service for enforcement. So not only could the Internal Revenue Service not collect the additional money—and they could never have gotten $30 billion anyway—the highest estimate the Internal Revenue Service gave us was something in the range of 20 billion to 30 billion was their best number. They plugged this number in that the Democrats said they were going to get, which is $300 billion, and why did they plug it in? Because they wanted to spend it. They wanted to spend $300 billion.

It is pretty interesting because, if you go back here, you will notice discretionary spending went up $205 billion, right here, and they claimed they were going to pay for that and have a little surplus with this empty number which they never got of $300 billion. Where did the $205 billion actually get paid for? How did it get paid for? It got paid for by putting debt—debt—on our children's shoulders.

Then, on top of that, of course, they are going to raise taxes by $336 billion, as I mentioned. For 34 million Americans, it means a $2,300 tax increase.

As if this isn't bad enough, their track record now is such a glaring example of fraud and misdeeds and misrepresentation of a shell game, of claiming one thing and doing the opposite in the area of tax policy and raising taxes when they said they would not, raising spending when they said they would not, not addressing entitlements when they said they would. As if that isn't bad enough, we now have the Presidential candidates out there campaigning. On top of the track record of total gross fiscal mismanagement, we have Presidential candidates on their side of the aisle making proposals to increase spending which dwarf what is already here, a dramatic rise in spending.

Senator OBAMA, for example, has proposed 158 new programs that we know of, that we can score—158—totaling annual increases in spending—annual—of $300 billion a year plus. Senator OBAMA and Senator CLINTON say: Well, we are going to pay for this by taxing the rich; we will just tax the rich, tax the rich, tax the rich, tax the rich.

Let's look at the numbers. If we take the top rates in America, which are the rates the rich pay, back to the days of Bill Clinton, you take them from 35 percent—they pay 35 percent of their income to taxes now—take it back up to approximately 40 percent, 39.6 percent which is, I presume, what they are referring to—and, in fact, that is what they are specifically referring to—they say they are going back to the Clinton tax rates for the rich. You raise $25 billion in income taxes.

Senator OBAMA has already proposed spending $300 billion plus a year. So he is short $280 billion. From where is that going to come? That is going to come from raising taxes on all the other Americans who work and pay income taxes. He is talking about basically repealing all the Bush initiatives and, believe me, even if he does that, he cannot raise enough money to pay for what he is proposing. So he is talking about adding dramatically to the debt. It is a spend-arama, an Obama spend-arama, which is going to cause us huge problems with taxes.

So as we go into this next budget, there is no longer the benefit of the doubt out there for our colleagues on the other side of the aisle. They now have a track record of a budget that raised taxes $736 billion, a track record of a budget that increased discretionary spending by $205 billion, a track record of a budget that increased the debt by $2.5 trillion, a track record where they game their own pay-go rules—game them—so they spend $143 billion, which they should have had to offset, without any offsets, and a track record of not addressing the most significant issue we have today, which is how do we pay for the future costs of the retirement of the baby boom generation and not put that burden on our children.

I suspect the budget they are going to bring forward next week is going to look a lot like the one they passed last year. But when they claim this year they are going to get another $300 billion from some wizard behind the screen by collecting taxes that are owed but are not collected, I hope the press and the American people will say: But hold it. You already claimed that once. Are you going to do it again?

When they claim they are going to discipline spending around here by using pay-go, I hope people will say: Hold it. Last year you said you were going to do that, and you spent $143 billion subject to pay-go.

When they claim they are not going to raise taxes, somebody has to say: Hold it. The only way you can pay for your program is to repeal the tax laws as they presently exist and make the taxes go up dramatically on all Americans, not just on wealthy Americans.

And when they claim they are not going to increase discretionary spending, somebody needs to ask: Hold it. Last year you increased discretionary spending by $205 billion over what the President wanted in nondefense discretionary.

They have no credibility any longer. So I hope the American people and the press, and certainly I hope the Senate, will ask some serious questions of them as they bring forward their budget.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I congratulate the Senator from New Hampshire for his leadership as the ranking member of the Senate Budget Committee and somebody whom I think understands the complexities of the Federal budget better than just about anybody. I do not claim to have that same

level of understanding, but what I do think I understand is what works and what does not work.

I will cite as an example a story in today's Wall Street Journal comparing my State, Texas, to another State that I will not name for present purposes, and wondering why the economy is booming, why jobs are being created in Texas when jobs are leaving the other unnamed State. They cited three main reasons. One is the belief in the benefits of free trade and selling our goods and services overseas in a reciprocal free-trade arrangement. They cite lower taxes which provide more incentive for productivity. And they cite the fact that in Texas, you have a right to work without having to belong to a labor union. You can if you want to, but you don't have to in order to work. And I add to those three items, sensible tort reform, which has not only created a business environment in our State which says to employers: You are not prey for predatory activity on the part of the trial bar, but you are welcome in our State to create jobs. Yes, you are going to be held accountable, but we are not going to create a hostile litigation lottery which is going to chase jobs and employers out of our State.

A lot of those basic principles which have helped make my State, the State of Texas, such a welcoming State for economic growth and prosperity and creating jobs and opportunity apply to the Federal budget, too, about which I wish to talk.

Senator GREGG had this chart up which talks about last year's budget; frankly, things that were done last year that I hope we would have learned our lesson this year and will not repeat. For example, last year's budget anticipated a tax increase on the American people of $736 billion. One might ask: From where is that money going to come? Is Congress actually going to vote for a tax increase? We may recall that the tax relief that we passed in 2001 and 2003 was not permanent because we could not get sufficient votes to make it permanent, so it was temporary. A significant portion of that tax relief—the capital gains and the dividends reduction—will expire during this budget period. It will result, if it does expire, without Congress acting, in effectively the largest tax increase in American history—but here is the worst part—without a vote of Congress. In other words, by Congress's inaction, we will see the largest tax increase in American history, and that is part of the revenue that this budget that was passed last year anticipates.

That contradicts the lesson I mentioned a moment ago that we have experienced in my State. We don't have a State income tax. We have tried to keep taxes as low as possible. It just makes common sense. You don't have to have a Ph.D. in economics to understand that if you want more of something, then you reduce the burden of producing it through lower taxes, through less regulation, and less litigation. If you want less of something, then you increase taxes, you increase regulation, you increase litigation. To me, that is the lesson we have learned, not only in my State, as I mentioned, but also in the Congress as a result of the tax relief we did pass in 2001 and 2003. We have seen more than 50 straight months of economic growth with more than 9 million new jobs created in the United States since 2003. Was that an accident? Was it serendipity? No, it was a result of reducing the burden of producing income and allowing taxpayers to keep more of what they earn, and it resulted, coincidentally, in some of the highest levels of revenue to the Federal Treasury because more people were working. They were incentivized to work harder and, as a consequence, they ended up paying more taxes which generated more revenue to the Federal Treasury, bringing the deficit down over what had originally been projected.

Of course, keeping taxes low is part of the equation. The other part of the equation is spending. As Senator GREGG pointed out, this budget passed last year dramatically increased Federal spending. This is one of the hardest things Members of the Congress have to do because, of course, we have people coming to see us every day saying: Senator, I would like your help funding this transportation project or providing an appropriation to pay for this or for that. But the fact is, we need to be good stewards of the taxpayers' money, and we need to learn how to say no because it is in the best interest of our economy and, in the long run, it is in the best interest of the American people because when we increase spending, we grow the size of the Federal Government. As Government expands, individual liberty contracts.

In other words, the bigger Government is, the less freedom we have to do what we want, as long as it is lawful. And what that means in the economic sphere is we are going to generate more economic activity, more revenue, create more jobs and more opportunity in the process.

So greater spending, dramatically increasing spending, is exactly the wrong thing. We ought to cut spending, eliminate wasteful programs, particularly those—and I have spoken on this issue before. The Office of Management and Budget has a Web site called expectmore.gov. You can go there and see a thousand different Federal programs that have been surveyed by the Office of Management and Budget, 22 percent of which either there is no evidence that they are meeting their intended purpose or effective, in other words, or the Office of Management and Budget simply cannot tell. Those are exactly the kinds of programs, the kind of waste that ought to be eliminated to reduce spending so that we can spend where it is absolutely necessary on our national priorities. But eliminate that wasteful spending. This budget does not do that.

Then, I think the most, frankly, shameful part of this budget is its failure to step up and recognize our responsibility to our children and our grandchildren who are depending on us to make sure they are not left with a debt they have to pay but, rather, they are left with, hopefully, a better life and better opportunity than we as their parents and our grandparents had. I know that is what my parents wanted for me and my brother and my sister. They wanted at least as good a life as they had, hopefully better. That is what every parent and every grandparent wants for their children and their grandchildren.

What has this Congress done to make sure that can happen? Frankly, not much. Let me put it this way: not enough because what we see is a growing debt. This budget passed last year grew the debt by $2.5 trillion. I know it is hard to think in terms of trillions. I doubt there is a human mind that can really conceive of how big that is. I mentioned yesterday that a billion seconds ago it was 1976. We are talking about not billions but trillions—a huge amount of money.

This budget grew the debt by $2.5 trillion but, frankly, what this proposed budget we are going to take up next week will in all likelihood fail to address is 66—6–6—$66 trillion in unfunded liabilities of the Federal Government.

One might ask: We understand the budget deficit, but what is the debt? The deficit is the amount of money we overspend each year, but the debt is how much we owe to our children and grandchildren, the debt we are simply passing down to them by failing to fix the Medicare Program, failing to ensure that the Social Security Program is on a solid fiscal financial basis. The fact is, there is legislation that I hope will be offered during the course of this budget debate that a task force be created.

As a matter of fact, the distinguished Democratic chairman of the Budget Committee and Senator GREGG, as ranking member, have proposed a task force so we can finally roll up our sleeves and come to grips with this growing financial crisis and the debt we are simply passing on to our children and grandchildren.

I mentioned that $1 trillion is impossible, perhaps, for us to comprehend, but let me bring it down to a number that we all can understand; and that is $66 trillion in unfunded liabilities due to the Congress's failure to deal with this growing cost of entitlements—Medicare, Medicaid, and Social Security. If you divide that by every man, woman, and child in the United States of America, it comes down to about $175,000. So $66 trillion in unfunded liabilities, for entitlements primarily, boils down to $175,000 for every man, woman, and child, including the baby who was born last night. That baby was born into the United States—the most prosperous, the freest Nation in the

world—burdened by $175,000 of debt because that baby's adult parents and the people they elect to Congress have failed to take responsibility to make sure that baby would be born into a world of prosperity, opportunity, and freedom. Instead, the baby has been born into a world that has that freedom and opportunity but also is burdened by $175,000 in debt.

There are a lot of challenges that lie ahead, and I have other charts I won't bother the Members of the Senate with here today, but we have to have an important debate here as we write the Federal budget. I agree with the Senator from New Hampshire, this is not the President's budget. As a matter of fact, everybody knows what happens to a President's budget, whether it is a Democrat or Republican in the White House. It is basically ''dead on arrival'' at Congress. I could say it another way. The President proposes and Congress disposes the budget. But it is our responsibility to write that budget, and we should do so in a way that is fiscally responsible.

We should also do it in a way that addresses the real pinch that average Americans feel when they fill up their gas tank and find that gasoline is $3.25, $3.50 a gallon, on its way to $4 a gallon probably this spring; and when they find that their health care costs continue to go up year after year after year such that they have less and less disposable income. Those are the sorts of things we ought to be paying attention to—reducing taxes, eliminating the debt, taking responsibility for that, and taking care of those bread-and-butter issues that the American people care about, because those are the ones that impact their quality of life on a day-to-day basis.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CPSC REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 2663, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 2663) 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.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

AMENDMENT NO. 4090

Mr. PRYOR. Mr. President, I have an amendment at the desk, No. 4090, that I wish to call up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 4090.

The amendment is as follows:

(Purpose: To correct a typographical error.)

On page 87, line 11, strike ''cigarette'' and insert ''Cigarette''.

Mr. PRYOR. Mr. President, we are today, once again, starting the debate on the Consumer Product Safety reform bill. This is a very important piece of legislation, and I am sure Senators from all over the country have heard from their constituents about this because we saw last year a record number of product recalls, especially in the toy area. We saw last year recall after recall after recall, and some of the news stories that made the headlines were about lead in toys, but certainly the recalls last year were not in any way, shape, or form limited to lead.

Lead is a very serious problem. We deal with lead in this legislation. In fact, we virtually ban lead in all children's products. That is a very important new safety rule. If the Senate adopts this measure, the new safety rule would be that there is a very tough scientifically based lead standard for toys.

When I say ''virtually ban,'' I do think it is important for my colleagues to understand that we can probably never absolutely get rid of lead in any product because there is some lead out in the atmosphere. It is a naturally occurring element. But we virtually ban lead in all children's products.

Another thing that we do, which I think is very important, is illustrated by this chart, and that is we recognize the changes in the U.S. economy. The last time the Senate reauthorized this legislation, which was in 1990 or 1992, we have to think about what the U.S. economy looked like. If you think about how many imports we had coming into this country from overseas, one of the things this chart illustrates is the number of imports in dollar figures, starting in 1974 and going up here to the year 2006. The actual numbers and the years aren't as important as the trend line. You can see what is happening with imports coming into this country.

We all know we are getting more and more imports, and one of the things I think we need to fight for is our U.S. manufacturing base, but that is not the discussion we are having here today. We are seeing more and more imports coming into this country. However, at the very same time, over the very same years, if you go to this bottom chart, again starting in 1974 and going up to this year, you will see what the Consumer Product Safety Commission's staff has done year by year.

Unfortunately, you see it peak in about 1980 or so, and then it starts to drop off dramatically. Here again, the numbers are not as important as the fact that you see this downward trend when it comes to employees at the Consumer Product Safety Commission. The reason that is important—and, by the way, the numbers are 420 full-time employees, and at the height of the agency there were about 900. But those numbers are not as important as the trend. You can see that today we have less than half of the full-time employees at the CPSC as they did 20 years ago.

The problem is when you compare these two charts. Again, I totally understand we can work more efficiently today with things such as computers and telecommunications and all that. We can work more efficiently. We can do more with fewer people. I do acknowledge that. But when you look at how the imports have grown and how the Consumer Product Safety Commission staff has shrunk, that explains why you see a record number of recalls. That explains why you see millions and millions of products being pulled from the shelves last year. Because as the Consumer Product Safety Commission has become less capable, less able to deal with the changes in the import economy, what you are seeing is more and more dangerous products coming into this country.

I don't think it is an accident. My colleagues need to know that I don't think it is an accident that last year every single toy recall—and we will talk more about this in a few moments—but every single toy recall from last year was made in China. None of these were U.S. made. In fact, they weren't made in any other country except China. So we need to reexamine the priorities of this agency. We need to restructure the agency in such a way that it meets the needs of the changing U.S. economy. We need to help this agency right here, when it comes to dollar amounts and full-time employees for this agency.

Again, it may be another discussion where we try to help the U.S. economy here in the number of imports and try to manufacture more products here—that is another bill and that will come at some point in the future—but right now this is what we are focused on, is trying to make sure that the Consumer Product Safety Commission is equipped to handle the changes in the U.S. economy.

Mr. President, I see Senator KLOBUCHAR is here, and she wishes to say a few words. I will be on the floor all day today. I encourage my colleagues to come down and talk to me if they have amendments. Certainly we have seen a growing list of amendments. My hope would be that all the amendments would be germane and that we could maybe get a bipartisan agreement on amendments.

I know Senator STEVENS has been very good to deal with on this legislation. He and I have not talked about any of the amendments yet. I think our staffs have been talking with each other. But I encourage my colleagues to come to the floor when it is convenient, or send their staff over when it is convenient to talk about whatever

amendments they maybe wish to offer. I know we had some meetings last night with various staff people on certain Senators' staffs on the Republican side of the aisle, and certainly we have an open door to try to talk through those.

One last thing, again for the staff members watching this on C–SPAN and for the folks all around this country who are watching it on C–SPAN 2. We have made many changes in this legislation since it left the committee, and we have listened and we have worked very hard to try to find common ground on a whole variety of issues. When we started, there were maybe 20 or 30 or 40 controversial parts to this bill. I think we are now down to two or three. I am not sure that anyone has put a number on it, but we have worked very hard to try to come up with a bill that can have bipartisan support and something that people all over this country can be very proud of.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am proud to be a member of the Commerce Committee that passed this legislation through the committee under the leadership of Chairman INOUYE, Senator STEVENS, and the Consumer Subcommittee Chairman PRYOR. I am also glad this legislation includes the bill I introduced that finally put a mandatory ban on lead in children's toys.

This legislation has been called by the Wall Street Journal as ''the most significant consumer-safety legislation in a generation.'' That comes from the Wall Street Journal. But what this is about is not all the details of all the toys, which I am going to talk about in a minute, and the 29 million toys that have been recalled and what this has meant to our economy, but what this is about are these little children.

Senator PRYOR and I just left an event where two children, their families, their mothers, were there to talk about what had happened to them. The first was this little boy named Jacob. His family is from Arkansas. The mom painted this picture for us. Look at this little boy. She painted this picture that I will never forget, of her standing in the kitchen one day and all of a sudden they see their little boy and he is practically limp. Just like that he went from being a happy little boy playing.

What happened is he had swallowed one of these Aqua Dots toys, one of these toys you put in water and it expands to an animal or whatever it is. He had swallowed it. So he is getting more and more limp, and finally the ambulance comes and they end up in the hospital. Within an hour, he is completely unconscious. They have no idea what is wrong. Unconscious. They thought maybe he had swallowed a little toy, maybe something that you would think would be in his stomach creating some indigestion or something such as that, but the hospital tries everything they can think of. They thought maybe he had accidentally gotten into their medicine cabinet and they didn't know it and took some medicine and something happened. So they gave him drugs to try to reverse it, but he wouldn't wake up. It was a complete puzzle because they didn't know how this could have happened. Nothing they tried worked.

Finally, 6 hours later—and the doctor said if he hadn't been there, he wouldn't have believed it—with all these tubes connected and everyone thinking they are going to lose him, he wakes up and he is fine. And they think: How could this happen? What is wrong? And they simply don't know.

So they call the company that manufactures these Aqua Dots and they try to write them. The mom gets home the next day and gets on the Internet with bloggers trying to figure out what could be wrong. She writes letters to the company, trying to get information.

Well, finally, they tested him some more and they tested these Aqua Dots some more. And what did they find? They found that the Aqua Dots contained a chemical that was really the date rape drug.

The date rape drug, as a prosecutor, I can tell you that we handled those cases where women have been slipped one of those drugs in their drink; they are suddenly completely out of it and do not know what happens. You know the crimes that have occurred as a result there.

But here is this little boy swallowing a dot, a dot that had the date rape drug in it manufactured in China. And that mother stood here with Senator PRYOR and me and told this moving story and said: This cannot happen to other parents.

She said: The Senators in this body, why do they not think if this happened to their kid or their grandkid where they suddenly swallow a little toy and are out like that. It is like swallowing a gumball, out like that for 6 hours thinking they are going to die.

Then there was another mother who came from Oregon. She told the story of her son, whom we see now years later, Colton. When he was very little, he swallowed a charm they had gotten from some one of those little vending machines that you put your money into.

He swallowed it. And all of a sudden she said he started acting completely lethargic, not at all like the little toddler he was. And they brought him into the hospital and they found out that charm was 39 percent lead, 39 percent lead.

Now, their story, unlike the story of little Jacob, did not end there, because he has that lead permanently in his system. And today, years and years later when they go to the doctor, he is still tested for elevated lead levels. And, in fact, even a few days after he got home, after they had gotten the charm out of his stomach, he bit his cheek and his cheek swelled up to the size of a golf ball because of the lead that was in his system.

That is what we are talking about—moms getting little charms that their kids swallow, which used to be maybe if you swallowed a penny, having this kind of health effect.

We all know what lead can mean. I certainly know in Minnesota where we had a little boy whose mom was not with us today. The mom was not there because her heart is broken. Her little 4-year-old boy died when he swallowed a charm that turned out to be 99 percent lead. And he did not die from choking, he did not die because it blocked his airway, he died because that lead seeped into his system day after day. And when he died, he was tested at three times the normal lead level.

In 2007, nearly 29 million toys and pieces of children's jewelry were recalled because they were found to be dangerous and, in some cases, deadly for children. As a mom and a former prosecutor and now as a Senator, I find it totally unacceptable that these toxic toys are in our stores and on our shores. As my 12-year-old daughter said when she found out that the Barbies were being recalled, she said: This is getting serious.

The provision of the Consumer Product Safety Commission Reform Act that I authored addresses some of the most serious discoveries of this past year. And that is the lead that has been surfacing in these toys. The toy that little Jarnell Brown swallowed that led to his death was made in China. It was 99 percent lead.

The toy that little Colton swallowed that nearly led to his death and has led to elevated lead levels in his bloodstream for many years was 39 percent lead.

These deaths, these injuries have been made so much more tragic by the fact that they could have been prevented. These little boys should never have been given these toys in the first place. It should not take a child's death or severe injury or a child swallowing an Aqua Dot with a date rape drug to alert us that there is a problem in this country.

Parents should have the right to expect that these toys are tested and that these problems are found before these toys get to the toy box. For 30 years, we have been aware of the dangers poised by lead. We all know about it from the lead paint standard.

But what is ironic to me is we have a Federal standard for lead paint, we have a standard, but we have never had a standard for lead in toys or jewelry; never had a standard for those little pieces of jewelry that will end up in kids' stomachs, or how about teenage girls who are sitting in class and chewing on a charm that they may have around their neck—never had a standard; it has all been voluntary.

It is not just these cheap trinkets that are being discovered to contain hazardous levels of lead. Last summer the CPSC recalled 1.5 million Thomas & Friends trains, including the Thomas the Train caboose, the Thomas the Train rail car, the box car, after they were discovered to be coated with poisonous lead paint.

A lot of those parents had bought these toys because they were wood, they thought they would be better for their children. Many of these products reaching retail for between $10 and $20 apiece were on the market for almost 3 years before they were discovered to be defective, putting hundreds and thousands of toddlers at serious risk for lead ingestion and brain damage.

What is even worse is what happened after the initial recall. This shows you how out of hand things have been because there have been no set standards and no good regulations coming from the Consumer Product Safety Commission.

After more than 3 months passed, RC2, which is the company that makes Thomas the Train sets, realized that their first recall was incomplete. They had asked for a recall and then they found hundreds of thousands of additional products, many of which had been sold in the same packaging with trains that had already been recalled, were coated with lead paint and also needed to be recalled.

Clearly, the RC2 Corporation that manufactured Thomas & Friends trains was embarrassed by its safety record. It apologized to its customers, saying it would make every effort to ensure that this would not happen again. To help encourage customer loyalty, which you can understand in a competitive market, and to get them to return those recalled toys, RC2 said: Okay, parents, we are so sorry this happened. We are going to give a bonus gift for your trouble.

Well, the bonus gift backfired in a big way because it was discovered that 2,000 of these bonus gift trains that they had given to parents for them sending back the recalled products contained lead levels four times higher than legally allowed, leaving parents of toddlers across the Nation to deal with a double recall. All of these toys are manufactured in China.

The burden should not fall on parents or kids to tell if a toy train is coated with lead paint or if a toy has been assembled so shoddily that it will come apart in a toddler's mouth. How would a parent ever think an Aqua Dot would contain the date rape drug?

I think it is shocking for most parents when they realize we never have had a mandatory ban on lead in children's products, all we have had is this voluntary guideline. It is shocking that until this legislation is passed, the Consumer Product Safety Commission cannot actually enforce a lead ban in children's toys.

In response to a series of letters I wrote to Chairwoman Nord in August about the danger of lead in children's products, the chairwoman responded on September 11. In that letter, Chairwoman Nord acknowledged that:

> The CPSC does not have the authority to ban lead in all children's products without considering exposures and risk on a product by product basis.

Now, that is really going to help the family of Colton to find that out, that our powerful Federal agency, with which we thought we had solved all these consumer product issues back in the 1970s, that this a safe country, does not have that authority.

Chairwoman Nord went on to say that: Were the CPSC to attempt banning lead in all children's products, it would likely take several years and millions of dollars in staff and other resources.

This response makes it clear that Congress cannot wait for the CPSC to act to ban lead from all children's products. We have been waiting for years. These parents have been waiting for years and years. This mother who spoke with us today wrote all these letters. She has been trying to lobby by herself on behalf of her son to make sure this did not happen again.

And what she told me this morning was her heart broke 2 years after her son had this horrible experience when she heard about the case of Jarnell Brown who had died. She felt her efforts were in vain.

Well, this Congress has a duty to make sure they were not in vain. Parents should not have to wait years for the CPSC to take action we already know is appropriate. The medical evidence is clear and overwhelming, lead poisons kids and there must be a Federal ban.

To talk a little bit more about the specifics, this legislation effectively bans lead in all children's products by classifying lead as a banned hazardous substance under the Federal Hazardous Substance Act. The bill sets a ceiling for a trace level of allowable lead at .03 percent of the total weight of a part of a children's product or 300 parts per million.

To put that in some perspective, California has standards right now of .04 for children's toys and .02 for jewelry. The voluntary ban that is not even mandatory right now that the Consumer Product Safety Commission uses is at .06. We have worked with pediatricians, we have worked with consumer experts. We set this at a very smart standard of .03 percent of trace levels. That ceiling would take effect in 1 year, allowing retailers and manufacturers to comply; 2 years later the legislation would then further drop the amount of allowable lead in children's products to .01 percent of the total weight of a part or 100 parts per million.

Now, if the CPSC finds you can actually go below the threshold, which a lot of pediatricians have argued we can do in this country, that we can even get down to zero lead, that would be great.

What this law says is you do not have to be stuck up there at .01, which is of course a small amount of trace lead. You can, in fact, do a rulemaking and go lower for certain products or for all products.

This legislation gives the CPSC the power to lower levels even further as science and technology allow.

The legislation before us today also sets an even lower threshold for paint. Under this bill, the allowable lead level for paint would drop immediately to 90 parts per million. This lowered threshold is critical because science has shown that as children put products in their mouths, it is the painted coatings which are most easily accessible to kids. Every parent of a toddler knows that to be true. They can see, if any parent looks in their toy box, all the little teeth marks, and they know they put them in their mouth.

Under current law, the Consumer Product Safety Commission has adopted this voluntary guideline of .06 percent. It is voluntary. That is part of the reason it takes so long, that is part of the reason we have had this huge delay. This puts in a mandatory guideline at .03 going down to .01.

This legislation changes what is a bad system, a broken system, and gives the CPSC the tools it needs immediately to go after the bad actors who used lead or lead-based paint in their products.

To me the focus is simple: We need to get these toxic toys out of our kids' hands, not just voluntarily, not just as a guideline but with the force of law.

Millions of toys were being pulled from these shelves, 29 million last year. Right in the middle of Halloween, they were pulling the little funny teeth that you put in your mouth, Aqua Dots, Thomas the Train, Sponge Bob Square Pants, Barbie dolls, you name it. It gives the force of law to pull these toys from the shelves.

As if the appalling number of recalls this year is not bad enough, these recalls illuminated other problems with pulling toys from the store shelves, the daycare center floor or the drawer under the kid's bed.

This I actually heard from my friends. Because once these recalls happen, every parent runs to the kid's room and says: Okay, I have got to find the toy that has been recalled. Now, how are you going to tell the difference between the brunette Barbie doll, the blonde one, the one that had this outfit on. This is practical when you are a mother. How are you going to tell the difference between this caboose or this box car? So they are looking at these toys trying to figure it out, putting them up to the Web site. Because, guess what, there is no batch number on these toys.

I have to tell you, most parents, when they get their kid a toy, do not keep the packaging. My mother-in-law may be an exception to that, but most parents do not keep the packaging. So what this legislation does is it says:

The batch number will be on the toys whenever practical. They are not going to go on a pick-up stick, but whenever practical, the batch number will be on the toys so when there is a recall, the parent is going to be able to figure out which toy it is, and also the batch number is going to be on the packaging.

Why do we need this? Because we do know that large retailers such as Toys ''R'' Us and Target, the minute there is a recall, they have been very good about stopping all sales; they do it through their computer system.

Well, some of the smaller mom-and-pop retailers do not have that capability, not to mention eBay and those kinds of things. So we want to make sure the batch number, in this legislation, requires it not only be on a toy but also on the packaging.

This legislation, though, does a lot more than ban lead in children's toys and to help parents identify recalled toys. It brings consumers the protection that has been lacking for almost two decades. As we all know, the CPSC's last authorization expired in 1992, and its statutes have not been updated since 1990.

Not surprisingly, the marketplace for consumer practices has changed significantly in the last 16 years. And we have seen through recall after recall how ill-equipped the Consumer Product Safety Commission is to protect consumers. Today, the Commission is a shadow of its former self, although the number of imports has tripled, tripled in recent years.

So what you have seen is a tripling of imports, products coming in, and then what have you seen with the staff? Well, have you seen quite a drop in the staff. The CPSC staff has dropped by almost half, falling from a high in 1980 of 978 people who worked there. Okay. Well here we go, 978 people. And what do we see in 2007? Well, we have 393 today. You wonder how are these date drugs getting into our system, getting on to our shores. You don't have the staff adequate to monitor these toys. So while you have seen a tripling of imports coming from China and other places, you have seen an enormous decrease in the staff that regulates them. In fact, much has been made of a guy named Bob who is the only official toy inspector at the CPSC. He is retired. He was out in a back room testing toys by dropping them to the ground. He had all these toys on his desk. That is what we are dealing with, while we have seen a tripling of imports and toys and jewelry that have tested to be 99 percent lead.

What have we seen now with the recalls? We have actually seen a huge increase in the number of recalls. As you know, part of it is because finally you have had the businesses, once this hit the streets and was all over newspaper headlines, saying: We finally better start testing these products more frequently, which was a good thing. But we have seen in 1980, 681,300 recalls. In 2007, we have seen 28,773,640 recalls, all toys that either were in parents' homes or were sitting there on the toy shelf ready to be bought.

Let's look at a comparison so you can see why. It doesn't take a rocket scientist. Probably my 12-year-old daughter would see what is going on. When you look at this comparison, in 1980, you had only 681,000 toys recalled. Then you go up to 2007, where you had 28 million recalled. Look at the staff comparisons. When you have 681,000 toys recalled, the staff is up here at 1,000. When you have 28 million toys being recalled, you have a staff that is half of what it used to be. So there is a graphic depiction of what we are dealing with.

What does this legislation do? It puts 50 more staff at U.S. ports of entry in the next 2 years to inspect toys and products coming into the country. Not only does this bill give the CPSC the necessary funding and staff, it also gives the commission the ability to enforce violations of consumer product safety bills. We have seen too many headlines this year to sit around and think about this problem and say: It is just going to solve itself. The market will take over.

The market has been broken. The CPSC has been broken. This is the time that Government comes in, which is reasonable, and works with business, as we have done. I am proud of the work Toys R Us has done with us, as well as Target, which has always been helpful in working with us. They know it has had an effect on their bottom line.

Here is what this bill does. We can beef up this agency that has been languishing for years. We can put sensible, responsible rules in place that make it easier for them to do the job. This is not just numbers on a chart. This is about a little kid that just in the last year, in the year 2007 in the United States, could swallow just a little toy, which kids have done for centuries, and end up in a coma, unconscious from a date rape drug. This bill is about numbers. This bill is about our economy. But more than that, this bill is about these kids.

I urge my colleagues to support it. I thank Senator PRYOR and the other members of our committee for their leadership.

I see Senator DURBIN from Illinois. I thank him for his great leadership on this bill. It is the most significant consumer safety legislation in our generation, as the Wall Street Journal has said. We have an opportunity, and we must work swiftly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

AMENDMENT NO. 4094

Mr. CORNYN. Mr. President, I have conferred with the distinguished Senator from Arkansas, the bill manager. I ask unanimous consent to set aside the pending amendment, call up my amendment No. 4094, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PRYOR. Reserving the right to object, as soon as he finishes his 10 minutes on his amendment, we will go back to the pending amendment.

Mr. CORNYN. I agree with that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4094.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit State attorneys general from entering into contingency fee agreements for legal or expert witness services in certain civil actions relating to Federal consumer product safety rules, regulations, standards, certification or labeling requirements, or orders)

On page 58, strike lines 4 through 7 and insert the following:

''(g)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

''(2) For purposes of this subsection, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

Mr. CORNYN. Mr. President, I congratulate my friends, Senator PRYOR and Senator STEVENS, the principal cosponsors of this legislation. I had the great pleasure of working with Senator PRYOR when he and I both were State attorneys general. As such, we were the chief consumer protection officers for our States and our citizens. I believe strongly in the importance of strong consumer protection laws. I believe this bill actually does something positive by adding to the resources available to the Federal Government by authorizing the State attorneys general under some circumstances to help make sure consumers are protected and the laws are enforced.

There is also a concern I have. That has to do with the use of outside counsel when it comes to filing legislation on behalf of a sovereign State such as the State of Texas, the State of Arkansas, or the like. We have seen examples of abuses in the past where State attorneys general have essentially transferred their authority to outside lawyers and paid them a contingency fee based on whatever the value is of what they were able to recover by way of a judgment or settlement. This, unfortunately, has created an anomaly under our system of government where we have nonelected, nonaccountable private sector lawyers who are essentially making decisions on behalf of a sovereign State. If the people of my State, for example, don't agree with what

they are doing, they essentially have no right nor ability to hold them accountable or to demonstrate their displeasure with what these outside counsel have done.

There is also a tremendous—and, frankly, tragic from a historical perspective—abuse of this contingency fee arrangement when it comes to outside lawyers. In my own State, my predecessor, as attorney general, got caught up in one of these tragedies—there is no other word to describe it—and actually served time in the Federal penitentiary for directing some of the proceeds in the tobacco litigation to a friend, an outside lawyer in the case, something that, obviously, he should not have done and for which he has paid a high price. But it demonstrates the type of temptation and, indeed, the potential for corruption that exists when an elected official abdicates their responsibility and essentially hands it over to a private individual who is not accountable in a way that elected officials and public stewards of the public trust are.

What this amendment does is say the State attorneys general who are authorized under this legislation to seek an injunction in Federal court to enforce Federal law—something I support—should play by the same rules regarding the recovery of costs and attorney's fees. Section 20(g) of the bill awards costs and attorney's fees whenever the attorney general of the State prevails in any civil action under Federal consumer protection laws. But the word ''prevails'' is not defined. Under the Consumer Product Safety Act and the Flammable Fabrics Act, the Federal Government can go to court to seek an interim or preliminary injunction against a company pending a determination by the Consumer Product Safety Commission whether a product violates either act. State attorneys general would be granted the same authority under section 20 of the bill.

I support that because I think the additional resources over and above what the Department of Justice and the Federal Government currently have will help us be more vigilant when it comes to protecting consumer safety. But to charge costs and attorney's fees against a defendant based on a court's preliminary finding and before the Consumer Product Safety Commission determines whether any law was violated would be clearly unjust.

The Consumer Product Safety Act already has standards governing when the Consumer Product Safety Commission can be awarded costs and attorney's fees. So my amendment would make sure these same standards would apply to State attorneys general who would be authorized to seek an injunction under the act, that they would be no better off and no worse off but actually in the same shoes as the current standard for the Consumer Product Safety Commission.

My amendment also requires State attorneys general to play by the same rules with regard to contingency fees. We want attorneys general to bring civil cases to protect the public interest not to create a windfall for private sector lawyers. I believe this also is consistent with Executive order No. 13433 of May 16, 2007, that prohibits the Consumer Product Safety Commission and other Federal agencies from entering into contingency fee arrangements with private lawyers, and the same standard should apply to State attorneys general under this bill's new enforcement authorities.

I have talked to my friend, Senator PRYOR, former attorney general of the State of Arkansas. We have had a lawyerly discussion about why would we want to ban contingency fee arrangements when the only authority given to them under the statute is to seek an injunction and not recover money damages or fines. The fact is, creative lawyers can come up with ways to create a fee arrangement, even where only injunctive relief is sought. There is a case that he and I talked about where basically what happened is the contingency fee was calculated following an injunction based on what complying with that injunction would cost the defendant. Some percentage of that cost was then calculated as a contingency fee. Ironically, in that case it wasn't the defendant who paid that fee, it was the taxpayers of the State, in a further sort of ironic twist. There is a way for contingency fees to be calculated, even where the only authority granted is to seek an injunction.

Finally, it is important that the Senate send a strong message about contingency fee arrangements with outside counsel under these circumstances for the purposes of this act because we know the Senate will not be the final word on this—there will be a conference committee—a strong statement by the Senate that while we believe that State attorneys general can perform a useful function in seeking injunctive relief, that we should not put them in a better position than the Consumer Product Safety Commission, nor should we see the kind of abuses that can occur with hiring outside counsel under contingency fee arrangements.

I thank the distinguished Senator from Arkansas. I congratulate him on his good work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank my colleague from Texas for coming to the floor and offering an amendment. I don't know if I will be able to support it, but I do commend him because the amendment clearly relates to the bill, a very important bill, and it draws us into something perilously close to debate which hardly ever happens on the floor of the Senate. I hope the spirit in which he has offered this amendment will be respected on both sides of the aisle.

I know there are many pressing issues facing us in Congress and few opportunities to bring them up. But I hope this bill can pass this week, that we have an honest debate on the merits of the bill, and then bring it to passage. I support the bill. I thank Senator PRYOR.

Senator PRYOR of Arkansas has been a leader on this issue. He has done an extraordinarily good job making this a bipartisan bill. All of us read the stories last year about toy safety. Many parents came up to me in Illinois and said: What am I supposed to buy this year? Is everything dangerous? If it says ''made in China,'' am I supposed to stay away from it?

I didn't have a good answer. I couldn't recommend toys. That is not what I do for a living.

I have to tell you, a lot of the stories that were coming out in the newspapers were troubling, not just for parents but for grandparents such as me. Magnetic toys, I never had those when I was a kid. All we had were Lincoln Logs and Tinker Toys and all kinds of stuff like that—erector sets. But these were little objects that could stick together with magnets. Kids could build them into huge forms. My grandson loved them. He had boxes full of this stuff and he would make these huge things with his dad, and always wanted more.

Well, I bought it—something to bring around at Christmastime—and did not realize, until the newspaper stories came out, this toy was a danger. Because the reason it worked is, it had these tiny, little, rare earth magnets. It looked like a pill, a little black pill. They were on the end of these sticks of plastic, and that is what kept all this toy structure together.

It turned out in the earliest design of these Magnetix toys, if a kid threw it on the floor, stepped on it, whatever—ran over it with a bicycle—the little magnet could pop out. And that little magnet, for my grandson, who was a little older, was not a problem. But for tiny children, it turned out to be a big problem. If they popped it in their mouth—which little kids, crawling infants would do—and swallowed it, and swallowed more than one, those two magnets could come together inside their body and cause serious obstruction in their intestines, forcing surgery to take care of it, and in the most extreme cases killing a baby.

That was the reality of a badly designed toy on sale in the United States. The Chicago Tribune did a front-page story on it. That is when I first started paying attention to this more closely, because I thought ''I bought one of these for my grandson, and it is a danger''—at least it is for smaller children. The Chicago Tribune told the story in a very good series, about what happened when they discovered this toy was dangerous.

What happened added to my sense of urgency to deal with this issue. Because no sooner did this hazard appear than the lawyers appeared, and the lawyers took these toys and went to

their legal playground and played with them for month after month after month, while they were still being sold across America. That has to stop. If there is a dangerous toy in America, you cannot expect every family to do a test. You cannot expect every family to be able to certify safety. They expect the Government to do that. That is what we are supposed to do—the Consumer Product Safety Commission. When they do not do their job, it puts families and children at risk. So this law we are currently trying to amend may have been good many years ago. Today it is not up to the challenge.

Senator KLOBUCHAR of Minnesota has been another great ally of Senator PRYOR on this effort. She had a chart earlier, and I want to show you kind of a version of it, if you will. This is a little bit different chart than hers. It indicates the number of imports coming into the United States.

I talked about toys, but we are concerned about the safety of all products—electronic products and so many others—coming into the United States. You can see from the chart, starting back in the 1970s and all the way up to today, this dramatic surge in the number of imports. Now, this may be hard for people to see, but here are the numbers of full-time employees at the Consumer Product Safety Commission—reaching a high number of about 1,000 employees in 1980, it looks like, and then this steady decline of employees, until we are down around 400 employees today. So here is a surge of imported products, and a dramatic decline, by more than 50 percent, of inspectors. Well, what is going to happen? Fewer products are inspected, fewer unsafe products are detected, and there is more danger in the marketplace.

There was kind of a popular cliche on Capitol Hill back in this era: Get Government off my back. Well, this is an example of where a safety agency fell victim to that mentality and dramatically reduced its staff, at a time when it should have kept up with the imports to protect American citizens. That is what I think troubles many of us.

I am the chairman of the Appropriations subcommittee for the Consumer Product Safety Commission. We increased the President's request for this agency, I believe from $62 million to $80 million in this year—that is an $18 million increase in real terms, about 30 percent—and said to the agency: Now staff up. Put the inspectors in place. Protect the consumers across America.

I suppose we could have given them more, but I am a little bit reluctant, having watched the process for a number of years, to put too much money too fast into an agency. I am afraid many times they do not hire the best people and they cannot adjust to change. Thirty percent, I think, is probably tops out of what you can do in any given year without running some real risks, and even that has to be carefully monitored.

So we are hoping in this bill—and I commend Senator PRYOR—to see a steady increase in the number of employees and inspectors at this agency in the hopes that when we get this done, at the end of the day we will have enough people to do the job.

When you look at the millions of dollars worth of toys brought into the United States, and all the attention we paid to those toys, there is a legitimate question about: Well, how many people out of about 400 at the Consumer Product Safety Commission were actually inspecting toys? Well, it turned out that when it came to certain types of toys, such as these loose magnets and that sort of thing, there was basically one man. His name was Bob. I had a picture of Bob standing at his inspection station which I had back in the cloakroom and somebody took it. I wish I could have brought it out here because Bob became kind of legendary. Bob has since retired. He is retired from the Federal Government. But we did manage to save a picture of Bob's workspace.

Shown in this picture is Bob's testing laboratory for toys imported into the United States. That is not a real confidence builder. It looks like my work bench in my basement in Springfield, IL. In fact, that work bench looks a little better, when I think about it. This is a mess. His toolbox is over here, and there is a bunch of toys stacked up.

Bob, the Federal inspector of toys for the United States of America—he was making do with what he had, and it was not a lot. What he did was draw this little line on the wall about 3 feet up, and then he drew another one at about 6 feet up, and he would take these toys out of the boxes and drop them on the floor to see if they broke open. That was one of Bob's impact tests in his laboratory. I do not want to make light of Bob's contribution to safety in America, but I will bet you families across America thought it was a little different process that led to an inspection of a toy that might end up in the hands of their child if they bought it in a store in America.

The good part about Senator PRYOR's bill that I am happy to cosponsor is that he goes after this whole laboratory inspection process. We should not and cannot build enough laboratories in the United States owned by the Federal Government to inspect every product that comes into our country, but we can certify laboratories in other countries that are recognized to be professional and trustworthy—that is a good investment—and then make sure that the products go through these laboratories, and make sure when they come to the United States we can identify where they came from, when they were produced and, if there is a problem, trace them back.

So Senator PRYOR's bill moves in the right direction: more inspectors here, but people also to certify laboratories in the countries of origin. If there is a toy coming from China, as an example, it may go to an underwriter's laboratory that is open in China that has been certified by the United States as a reliable laboratory, and they will have to give a seal of approval before it is shipped to the United States. That, to me, makes a lot of sense. It is a way to use our money wisely and to avoid this kind of sad situation here where you cannot believe this is going to result in a reliable process.

The funding increases in this bill are important, but even more important, from my point of view, is to make sure this Consumer Product Safety Commission is run by people who care, who want this to work. It is sad. There are supposed to be five members of this Commission. Unfortunately, there are only two who are currently serving.

This Commission under current law has to negotiate press releases with companies. If you find a Magnetix toy with a magnet that a child can swallow and can have terrible health consequences and want to take the product off the shelf or recall it, it turns out to be a battle royal between lawyers even negotiating the wording of the press release. While all this is going on, unsuspecting families are buying these toys. Now Senator PRYOR in this bill is going to expedite this process.

Secondly—and this is one that I think is essential—we have to fine those who violate this law in a manner where they will pay attention. If you have a product you continue to sell that is dangerous, that is on recall and you sell it anyway but figure: My company will make enough money that I can pay the fine and live through it to see another day, that is not a good outcome—certainly not for the consumers across this country.

So what Senator PRYOR in this bill does is to increase the fines to a level where they truly are meaningful, and companies will have to think twice before they would consider selling a product that is facing recall.

This package also over time increases the authorization level for the agency. It strengthens civil and criminal penalties. It requires third-party certification and testing, as I mentioned. It makes it mandatory for manufacturers of toys and children's products to comply with accepted safety standards. It bans the presence of lead in all children's products. My hat is off to Senator KLOBUCHAR. She has been a great leader on that issue. It allows for parents to have faster access to injury reports and other information to help alert parents to product safety risks. It improves the way this Commission conducts its business.

It allows State attorneys general to enforce product safety law in specified instances. I believe it is only injunctive relief they can seek, and only if the Consumer Product Safety Commission and Federal agencies do not move forward to protect the consumers. It restores the Consumer Product Safety Commission to a five-member Commission, which it should be.

I hope my colleagues will look at this bill closely and realize we are doing something that is rare. We are taking a law that has not been touched for 18 years and bringing it up to speed.

Eighteen years ago, as my chart showed earlier, imports were at a very low level. Imported products have risen dramatically. We have to rise to the challenge. It is heartening this bill Senator PRYOR brings to the floor, along with Senator STEVENS, Senator COLLINS, Senator INOUYE, myself, Senator KLOBUCHAR, and so many others, has a broad coalition of groups supporting it: the Consumer Federation of America, the American Association of Pediatricians, and Consumers Union, to name a few. One of the CPSC Commissioners, Mr. Moore, has endorsed this legislation, and a number of State attorneys general.

Passing a strong, consumer-oriented bill such as this is the next step in safeguarding consumers. I do not think American families should ever have to go through a Christmas or holiday season as they did last year wondering if products on the shelf are safe for their kids. If history is our guide, we may not have the chance to revisit these policies if we do not pass this bill right now.

I want to thank a number of individuals who played a significant role in helping me work on this issue and helping others: Rachel Weintraub, who was at the press conference yesterday for the Consumer Federation of America; Ami Ghadia and Ellen Bloom of the Consumers Union; Ed Mierzwinski with U.S. PIRG; David Arkush and Mike Lemov from Public Citizen; Cindy Pelligrini with the Association of Pediatricians; Nancy Cowles with Kids in Danger; and Patricia Callahan and Maurice Possley with the Chicago Tribune. The last two did an exceptional job as reporters. This was journalism at its best. They told a story—a gripping story—well documented, which caught the attention of this legislator, which led me to take this issue more seriously. My hat is off to the Chicago Tribune, Patricia Callahan, and Maurice Possley for their work on this issue.

Finally, let me say this: Passing this law is not the end of the story. My Appropriations subcommittee is going to call the Consumer Product Safety Commission in. We are going to keep an eye on them. We are going to make sure that taxpayers' dollars are well spent, that there is no question in the minds of those who are running this Commission about what Congress wants to achieve with this new authority and these new resources. If there is push-back and resistance from this agency to change, they are in for a battle. I hope we do not see that.

I think American consumers want to know the toys and products they buy off the shelves across America are safe for their families and safe for their kids. We focused on toys, but it is not the end of the story. There are an awful lot of products, many products which we buy every day, trusting this Government to put its seal of approval on and some inspection behind it. We have to meet our obligation to people who count on us to make sure that government does its job in an effective, efficient, and dollar-efficient way. Unfortunately, this agency has fallen behind. As it fell behind, so did some of the confidence of American consumers about products on the shelves.

I also think we ought to work with foreign governments. The Chinese came to see me repeatedly during the last holiday season and said: We have gotten the message. We are going to straighten this out. I am hoping they live up to that promise.

Also, in fairness to China, for example, which has been the butt and focus of many of the critiques when it comes to imports, the fact is that many of the toys they sold were designed by American companies, and those companies need to be held responsible for the toy design that the Chinese actually implemented.

The last word I will say is for special recognition to two companies which, during the midst of this toy scandal, did the right thing as corporate citizens of America—one was the chain Toys R Us, and the other, a major toy maker, Mattel—when this story came out. The CEOs of both of those companies contacted my office and said: We are going to work with you. We are not going to run away from this issue. We know that if American consumers don't have faith in our stores and in our commitment to them, it will not only hurt our sales, but it will put families in jeopardy.

Jerry Storch from Toys R Us was at the press conference yesterday. I commented that in the old days, corporate strategy used to be duck and cover. If a scandal emerges involving your company or your products, you duck the press and you try to cover it up. Jerry Storch didn't do that. He stepped right up and said: Toys R Us is going to work with you to make sure the products are safe. He kept his word and came to the press conference yesterday.

The same thing is true with Mattel. I think they are genuinely committed to the safety of kids and families, and I thank them for their leadership, as well as others, but those two really impressed me, that they would do the right thing from a corporate viewpoint. I hope consumers across America will hold them to their promise, and if they keep it, we will reward them with our business. They deserve it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask that we return to the regular order.

The ACTING PRESIDENT pro tempore. Amendment No. 4090 is pending.

Mr. PRYOR. Mr. President, I wish to thank my two colleagues who just spoke—really, all three.

Senator KLOBUCHAR has shown great leadership when it comes to this issue. This is a very personal issue with Senator KLOBUCHAR. These recalls and injuries and even deaths of children have affected some families in her State, but she has taken this on as a very important personal issue that just so happens to be good for the country.

I also wish to thank Senator DURBIN for his leadership. He has been involved in this legislation since the beginning. He has given a lot of wise counsel over the course of this legislation. He has a very strong passion about this issue. He also has been able to, as he mentioned, talk with Toys R Us and have them come in as one of the largest toy retailers, to allow them to show some leadership in the retail industry, which I think has been very helpful and very positive in the last few days.

Lastly, I wish to mention Senator JOHN CORNYN. Again, we are going to look at his amendment to see if it is something we can agree to. I have a few traps running over here, but I told Senator CORNYN a few moments ago that we would definitely give his amendment a very serious look, and maybe it is something we could work on and work through and maybe attach to the bill. But I have some work to do on my side.

I wish to say a few words about one provision of the consumer product safety legislation we are working on right now. It has to do with the Commissioners. This is an agency that, when it was formed in the 1970s, had five Commissioners. No one can really tell us why, but sometime in the 1980s or 1990s, it went down to three Commissioners. It may have been an appropriations issue, and it was perhaps a pragmatic decision at the time. No one is really sure about that. However, I feel strongly—and I have talked to several colleagues, and they see the wisdom in this—that we really need five Commissioners on the CPSC. The reason is because the CPSC deals with over 15,000 types of products. It has a huge amount of jurisdiction that is really too much for three Commissioners to handle.

In fact, I have had the opportunity to talk to Commissioners from the Federal Trade Commission and the Federal Communications Commission, as well as former Commissioners from the CPSC. All of them agree that given the broad jurisdiction the CPSC has, it would be very helpful to have five Commissioners. For one thing, it gives a broader variety of perspectives and opinions, but another thing that happens as a matter of practice is the five Commissioners, whether by design or because it just happens this way, tend to start to specialize in certain areas.

Again, given the 15,000 types of products the CPSC oversees, we could understand how we might need a little bit of specialization and we might need the Commissioners to focus on specific areas because it will help the Commission be stronger overall. So we change the law in our legislation. We go from

the three-Commissioner setup we have today and we move it to five Commissioners. We return it back to the way the Commission was originally designed. We feel as though this will be a very positive development.

As part of this issue as well—in a little different section of the bill but nonetheless related—I believe and the cosponsors believe we need to reauthorize this Commission for 7 years. Part of that is because we need to help retool and rebuild this Commission over a several-year period.

One of the things we make very clear in the legislation is we don't try to fix everything on day one. There is a lot that needs to be fixed, a lot that needs to be addressed, but as a practical matter, realistically, we can't fix everything in 1 day. Rome wasn't built in a day, and you can't rebuild the CPSC in one fiscal year. What we are trying to do is phase this in over time and make sure we do it the right way, make sure we do it the smart way. That is why I believe that a 7-year reauthorization makes good sense under the circumstances.

The last point I wish to make this afternoon, or at least right now, is that we have a provision in this bill that I think will really benefit families in a very practical way; that is, we have a provision in this legislation to put identifying marks on products.

We have all been in the situation where big brother gets a G.I. Joe or whatever it may be and passes it down to little brother, or your daughter gets a set of dolls from a neighbor whose kids don't play with those dolls anymore, or whatever the case may be, and we never even saw the original packaging on a lot of that stuff. We don't know when it was made. We don't know how old it is. We don't know anything about it. All of a sudden, we read something in the paper or see something on television about a recall. Right now, we don't have any way of knowing whether it is this particular toy that has been recalled.

So what we are trying to do is set up a regime here where—and by the way, we worked with the manufacturers on this to make sure this is a practical, sensible solution, and we think it is—but to actually stamp the products with different identifying numbers, maybe batch numbers, lot numbers, whatever—not to get into all the technical aspects of it—so that when there is a recall, when there is a problem, or there is some sort of hazard that has been identified, families can look at their product, look at their toys, and know if that is a product that is subject to recall.

So we are trying to be very practical in how we approach this. We are trying to beef up the number of Commissioners. We are trying to make this a 7-year reauthorization, but we are also trying to do things that help families make the determination to keep their families safe, and this is something which I think has been lacking in the current system. Hopefully we will be able to measure in the number of injuries and in the number of deaths and even the number of recalls that happen and the amount of litigation—we hope all of that will go down when it comes to consumer product safety. Hopefully, we will be able to look back and see this as a good piece of legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

AMENDMENTS NOS. 4095 AND 4096, EN BLOC

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up two amendments I have at the desk. They are amendments Nos. 4095 and 4096.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, I am sorry, what were the two amendments?

Mr. DEMINT. If I can respond to the chairman, two amendments—one is the House bill, which is 4095, and the other relates to the whistleblower provision, which is 4096.

Mr. PRYOR. I am sorry. Was the request just to talk about those?

Mr. DEMINT. No. They are at the desk. I wanted to call them up and speak about them later.

Mr. PRYOR. Call them up and then go back to the pending amendment?

Mr. DEMINT. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendments numbered 4095 and 4096.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment (No. 4095) is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 4096) is as follows:

(Purpose: To strike section 21, relating to whistleblower protections)

Beginning on page 58, strike line 11 and all that follows through page 66, line 9.

Mr. DEMINT. Mr. President, I yield the floor.

AMENDMENT NO. 4094

Mr. PRYOR. Mr. President, I ask to return to the regular order.

The ACTING PRESIDENT pro tempore. The amendment is pending.

Mr. PRYOR. Mr. President, I think we have some colleagues who may be on their way to the floor shortly. I would encourage our Senate colleagues to come to the floor and offer amendments if they have amendments or offer constructive suggestions if they have those or even if they just want to come down and speak. We would really like to get this legislation wrapped up this week. So far, the cooperation has been excellent on both sides.

Again, I wish to commend Senator DEMINT and Senator CORNYN for coming down and offering and addressing amendments that are germane. One of the concerns I had is that we might see the floodgates open up on this legislation and come in with all kinds of nongermane amendments. So I thank colleagues on both sides of the aisle for keeping the amendments germane and on point.

Mr. President, I note 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. PRYOR. 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.

RECESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

THE CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT—Continued

The PRESIDING OFFICER. Who seeks recognition? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have an amendment I wish to offer. I will not do it at this point because in order to offer the amendment, I have to ask unanimous consent that the current amendment be set aside. I will describe at least what I am intending to offer. I am going to speak for a couple of minutes because there will be time later to consider this amendment.

This amendment does not deal directly with the underlying legislation. It certainly deals with consumers and this bill deals with consumers. I first applaud my colleague from Arkansas for the work he has done on the bill. I have a couple of amendments to the bill that I will offer as we move along. But this amendment that I wish to offer deals with something else that is urgent and important, and either I get it done on this bill or the next authorization bill that comes along.

The price of oil is somewhere around $103 a barrel at this point. It is bouncing around up in that stratosphere, and the price of gasoline, depending on where one lives, is $3, $3.25, $3.50, some analysts say going to $4 a gallon. Even as the price of oil has ratcheted way up, this Government of ours and the Department of Energy is taking oil from the Gulf of Mexico by awarding royalty-in-kind contracts to companies

with to the Federal Government. Instead of putting this oil into the supply pipeline by allowing companies to simply sell it, our Government is actually putting oil underground in the Strategic Petroleum Reserve.

I support the Strategic Petroleum Reserve, but I do not support filling it when oil is $103 per barrel. Putting 60,000 to 70,000 barrels per day, every single day, underground makes no sense at all. That puts upward pressure on gas prices. The EIA Administrator estimated this morning at an Energy and Natural Resources hearing that the Government's action is raising prices about a nickel a gallon. The fact is, I believe it is more than that.

In any event, I do not think we ought to be taking oil out of the supply pipeline as a deliberate policy of the Federal Government and sticking it underground in these caverns. That makes no sense to me.

This issue came up in the hearing this morning. We have had hearings previously on this topic. I have indicated I intend to offer legislation. My legislation would do two things. It would say, at least for the next year: Let's take a pause on sticking oil underground and taking it out of the supply. Let's take a pause as long as oil is above $75 a barrel. When oil is above $75 a barrel, let's at least, for the next year, not be taking it out of the supply and sticking it underground.

Here is what is happening. On this chart, these are places that our Federal Government is now putting oil underground—Bayou Choctaw, West Hackberry, Big Hill, and Bryan Mound. We are getting oil from the Gulf of Mexico and putting it underground in these salt domes.

The price of oil is subject to a lot of things including excess speculation these days which I have described on the floor of the Senate previously. We had a hearing on this topic. Here are comments from Fadel Gheit, a top analyst from the Oppenheimer & company. He says: There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. Oil speculators include the largest financial institutions in the world are speculating on the future's market for oil. I call it the world's largest gambling hall.

He is talking about the futures market on which these prices are made.

> I call it the world's largest gambling hall. . . . It's open 24/7. Unfortunately, it's totally unregulated. . . .This is like a highway with no cops and no speed limit and everybody is going 120 miles an hour.

We have hedge funds that are speculating every day in a significant way in the oil futures market. We have investment banks that are speculating in the oil futures market. In fact, we now read that investment banks are actually buying storage facilities so they can take oil off the market, put it in storage, and wait until the price goes up. We have not had that before. This is not about a supply-and-demand relationship of oil. It is about speculators who are driving up the price of oil and a futures oil market that is rampant with speculation.

Even as that is occurring and we see oil bouncing at $103 a barrel, we have a policy in the Federal Government to take oil from the Gulf of Mexico and stick it underground. That makes no sense to me at all. What we ought to be doing is, the royalty-in-kind oil we get from those wells that belongs to the people of the United States that comes to our Government ought to go into the marketplace to be sold, to be part of the supply system. The Federal Government gets the money for it because it was the Federal Government's payment for that oil as part of the royalty. The oil goes into the supply pipeline and, as a result of that, we put downward pressure on gas prices.

Instead, as a matter of deliberate policy, our Government has decided to stick it underground in the Strategic Petroleum Reserve. It is now about 60,000 to 70,000 barrels a day, and it is going to increase to 125,000 barrels a day in the second half of this year. It is oblivious to all common sense to be putting upward pressure on gas prices as a deliberate policy of the Federal Government. It makes no sense.

As I indicated, my amendment would very simply say: Let's take a pause; let's use a deep reservoir of common sense, take a pause during this year, during a 1-year period, that if the price of oil remains above $75 a barrel, we ought not put that oil underground.

The average price, by the way, in the Strategic Petroleum Reserve of oil that has been stored is about $27 a barrel. Why on Earth would you buy oil at $103 a barrel, put upward pressure on gas prices, and stick that expensive oil underground? It makes no sense.

I indicated that I do not intend to speak at length about this amendment. I have spoken about this before and will later. I see Senator BARRASSO from Wyoming is on the floor. He was part of the hearing in the Energy Committee this morning. He and I talked about this subject. He and I have some of the same concerns. I visited with him, perhaps, about cosponsoring this amendment at some point.

With that, I don't know whether we have been able to clear offering this amendment. I understand not at this point. In order for me to offer an amendment—in order for anybody to offer any amendment I have to ask unanimous consent to set the pending amendment aside. So if I were to offer that, I understand that has not yet been cleared. My hope is we will be able to clear it so I will be able to offer this amendment later this afternoon.

Mr. President, I have spoken with the manager of the bill and I will withhold asking unanimous consent to offer this amendment that I apparently cannot yet get. However, I would like to come back later this afternoon and hopefully we can clear my offering this amendment.

I understand my colleague from Wyoming is seeking recognition. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

CRAIG AND SUSAN THOMAS FOUNDATION

Mr. BARRASSO. Mr. President, years from now, young people in Wyoming will talk about the many events that have helped shape their lives—people such as their parents, their friends, and their teachers, places such as the Tetons, Devil's Tower, and the Wyoming Range, and some will say that Craig and Susan Thomas helped change their lives. They will say there was a foundation. Almost out of the blue they will say that it gave them a scholarship, that it encouraged them to succeed, and that it helped them back into school. And one of those individuals will be able to say: I now have a great job, I have a family, and I get to keep living in Wyoming. These young people will say: If it wasn't for the Craig and Susan Thomas Foundation, I don't know where I would be today.

We know the Craig Thomas who fought every day for the people of Wyoming, advocating before each of you with a Western common sense that is legendary, but on the weekends and on his time in Wyoming, for nearly two decades, the one thing our friend Craig Thomas dedicated himself tirelessly to was the young people of Wyoming. Every kid—top of the class, middle of the class or simply in the class—Craig Thomas would want to meet with them, would want to talk with them, want to laugh with them. He even played Hacky Sack with them in his cowboy boots. He would find out how they were doing, what they were thinking, what they were going to do with their lives. He would tell them to find out what it was they liked to do the best and then do it.

Craig believed everyone should be a good citizen, learn as much as possible, and then have a chance to be happy. But for economic reasons, for family challenges or just a raw deal, we know some of these kids face tall hurdles. Some kids have a harder time, and Craig was always there to help.

Many of my colleagues know Craig also had a wonderful partner in his mission for Wyoming kids, Susan Thomas. A lifelong teacher herself in developmental education, she joined him proudly in reaching out to Wyoming's youth. Together they did an amazing job. I saw them do it. I know many of my colleagues also saw it when Craig would bring members of Susan's classes through the Capitol each year. They would come to watch, to learn, and to be invited in.

Craig and Susan inspired kids across Wyoming and kids right in this area

too. When Craig passed, the letters came streaming in. They came from young adults who said that when Craig Thomas told them they could do something, that they could be anything they wanted to be, when he helped steer them toward achievement, it made a difference in their lives. He inspired and he improved their lives.

Today, March 4, 2008, Susan Thomas is in Cheyenne to launch the Craig and Susan Thomas Foundation. It is a foundation that will reach out, that will search out, that will find the young Wyoming people who need, as Susan says it, a leg up in getting back on a horse after falling off.

Technically, it is a foundation that serves at-risk kids by helping them into programs—programs from cosmetology to culinary schools, votech to high tech, mechanical to anything they are interested in achieving.

The Craig and Susan Thomas Foundation is also ready to identify these young people through many avenues, through the traditional school systems but also through people active in the community. For those people who champion the causes of Wyoming's young people, the foundation will give them special leadership awards.

This is a program for kids who may not qualify for other programs, kids who deserve our attention, kids whom we should not ignore, kids whom our Senator Craig Thomas almost instinctively knew how to help, how to lift up. The Craig and Susan Thomas Foundation will continue to find them, thankfully, and to help them.

This is an exciting day, and congratulations to Susan Thomas, who, with courage and love, carries on Craig's legacy for inspiration, for hope, and for a better life for all of Wyoming's young people.

We miss Craig very much. We are still touched by his deeds. Good luck, Susan, and our very best to you.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PRYOR. 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. PRYOR. 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. PRYOR. Mr. President, let me start our conversation this afternoon about the consumer product safety bill with a chart. I will come back to it in a few minutes, but as the camera focuses on this chart, these are the toys that were recalled in the last year. You can see it starts in March of 2007 and goes to February of 2008. Represented on this calendar are the record number of recalls that we saw last year. I am sure members of the public recall over the summer months—May, June, July, August, and even into September—there were a series of newspaper articles, news magazine stories, television, radio, in addition to Internet stories about the excessive number of recalls.

Really, this matter came to the public's attention through the toy recall issue. Now, of course the Consumer Product Safety Commission deals with a lot more than just toys. Toys are very important, and it is a big piece of what they do, but the CPSC does a lot more than toys. But this chart shows the toys, to give a sense of how many recalls we are looking at every year. And what we have done is, we have picked one item that would represent that recall every month. You can see that most months it is four or five recalls in that given month.

So the CPSC has been very busy. Unfortunately, that is part of the problem. They are overwhelmed with the marketplace today, and it has been very difficult for the CPSC to keep up with the tremendous number of imports.

By the way, every single toy on this calendar is from China—every single toy. I didn't come here to pick on China today, but facts are facts. Last year, in 2007, every toy recall was from China.

One of the things we are trying to accomplish in this legislation is to make sure imported toys meet our safety standards. This is a very basic function of Government; that is, to provide for the health and safety and the general welfare of the people. The Consumer Product Safety Commission is on the front line of doing that.

Now, I want to talk about this again in a few moments, so I will leave it up and allow people to look at it if they want. But before I do, I want to talk about another provision in the legislation that some have found to be controversial. To be honest with you, some of this controversy is because people have looked at the previous version of the bill.

In the previous version of the bill, we had an attorney general enforcement provision that was very aggressive and somewhat open, and people were very concerned that the attorneys general might go wild, so to speak, and start to initiate litigation and bring lawsuits that the CPSC was reluctant to bring.

Regardless of how the committee bill was drafted, that has changed in this legislation. I want to be very clear for my colleagues and, again, for staff members who are watching in their offices on Capitol Hill, that has changed dramatically. I want to go through those changes, if I may, very quickly.

First, when we talk about adding State attorneys general to this enforcement mechanism for the CPSC, we are talking about putting more cops on the beat or, as someone said the other day, ''more feet on the street.'' You can call it what you want, but the idea is that we have a choice to make. If we want to enforce CPSC decisions, we can do it one of two ways: We can hire more people at CPSC and maybe the Justice Department and pay another $5 million, $10 million, $20 million, $50 million, or whatever it may be for enforcement personnel, who are Federal employees, or we can turn this responsibility over to the States and allow the States a piece of this so if there are problems in their home States, they can go after their problems with no Federal taxpayer expense. And that is the route we have chosen in S. 2663.

I know there are some, especially in the business community, who fear the attorney general. When I say that, I mean the State attorney general. They have seen what happened in the tobacco case several years ago. They have seen what has happened in a few other cases since then, and they fear what the attorney general can do, and will do, given the opportunity. Well, let me say a couple of things about that.

First, I was the attorney general of my State, and I know how that office works and I know how attorneys general think and the approach they take to problem solving. I would say that most attorneys general have resource issues like everybody else. They are strained in terms of how much time and attention they can devote to certain matters. Most AGs—not all but most AGs—have the consumer protection ability in their State offices right now. There are very few who don't.

The other thing that is very important about the attorney general is, in the States, the attorney general position is a very respected position. If you take a poll around the country and ask various people in their States, they have a high degree of respect for the attorney general because, by and large, these men and women have done a great public service for their States. In fact, we have to remember, as Members of the Senate, these attorneys general are elected by the very same people we are. I think it is 44 States—I can't remember the exact number—where the attorney general is popularly elected. There are a few that are not. I think Tennessee has the State supreme court appoint the attorney general. But, regardless, most State AGs are elected by the people, and the people trust them.

The other thing I wanted to say about attorneys general is, in general, the reason the State attorneys general act is because Congress fails to act. We saw that in the tobacco case. Several years ago—again, this has been about 10 years ago now or a little more—there was a bill in Congress to regulate tobacco and to fundamentally change Federal tobacco law and the national tobacco policy. Again, I don't remember exactly what year this was—it was sometime in the mid-1990s, I don't remember exactly, but that bill got bogged down. That bill did not make it out of the Congress, and it never became law.

That was the triggering mechanism for the States' tobacco litigation to rev up. I think it had existed before that, but once the Congress failed to act,

once people here in Washington couldn't address and couldn't resolve one of the Nation's great problems, the States acted. And that is the nature of it.

So one thing I encourage my colleagues to think about is to think about our acting and our taking care of the Consumer Product Safety Commission so we don't see that patchwork out in the many States, where State legislators come in with these great ideas about consumer product safety legislation, where State AGs don't try to get creative and come up with some sort of master plan for litigation. Let's avoid that. Let's pass this S. 2663, the CPSC Reform Act. Let's pass this and allow the State AGs some enforcement responsibility but also keep this in the Federal purview.

Let me talk briefly about that. S. 2663 would authorize the State attorneys general to bring a civil action to seek—and this is very important—injunctive relief only for clear violations of the statute or clear violations of orders by the CPSC. So I need to be very clear.

What we are talking about is enforcement only. We are talking about injunctive relief only. That means no money damages. That is what we are talking about. We are talking about the States watching the CPSC, maybe the best example, maybe doing a recall somewhere in the State. They find that product is still on the shelves; it should not be. Maybe it is showing up in Dollar Stores, maybe some retailers like small guys or whatever ignoring it. The State attorney general can step in and get those products off the shelf.

You all know as well as I do the way that is going to work in the real world is the minute the attorney general shows up at that store, they are going to get those products off the shelves. That is the way it works.

It is like a friend of mine told me—one time I called him up and I was the attorney general. He said: Oh, man, my worst nightmare is to have the attorney general call me at my office because you never know what the AG is going to do. It is like having ''60 Minutes'' show up in your front lobby or something.

But, nonetheless, that is the way it is going to work. The mere fact that the States have this authority gives a local hammer to the CPSC that they do not have right now. Right now, what we have to do is rely on the Justice Department or we have to rely on CPSC employees to turn around and try to enforce those out in the various States; try to track down all of these products wherever they may be.

It is hurting enforcement. The States and the State attorneys general are naturally in a better position to know what is going on in their State, and they are in a better position to enforce the CSPC orders in their State. That is the way it is.

Let me say a few more things. I want to get back to this chart. The Consumer Product Safety Commission bill we are talking about now not only limits the attorneys general in the two ways I have mentioned, they have to follow the CPSC, and it has to be for injunctive relief only, but also this requires that the State would serve written notice on the Commission 60 days prior to them filing. So they have to actually notify the Commission.

The fourth thing, the fourth out of five safeguards that are built into this legislation, is that the Commission, if they so choose for whatever reason, can intervene in that litigation.

The last thing is that if the Commission has a pending action going, the States cannot get in that action. Here again, we want to make sure that the CPSC remains in the driver's seat. One of the myths about this legislation that I have heard—and, quite frankly, it has been mostly on this side of the aisle and this is in the business community—is if we pass my bill, what is going to happen is there are going to be 51 different standards out there, there is going to be litigation coming everywhere. That is not the case. Again, because of Senator STEVENS' work that he did to make this bill a bipartisan bill, what we are left with is these very tight controls on the attorneys general. Nonetheless, I think there is value, good value in the States having that enforcement mechanism on a State level.

The other thing I wanted to say before I turn to this chart is this is not a new approach. This is not a new approach. In fact, for over a decade State attorneys general have been able to seek injunctive relief under the Federal Hazardous Substance Act, a statute enforced by the CPSC. This authority has not resulted in varying interpretations of law that have been a concern—if we give the States some authority, we are going to have all of these 51 jurisdictions out there doing all of these different things. That is not the case. We have a 10-year track record with the Hazardous Substances Act and the States have not abused it. They have not abused it. So we know the States can play a very important role with the CPSC and with the Federal Government.

And, by the way, there are lots of other examples—I do not have to get into all of those right now, but lots of other examples where there is a Federal component and a State component to something where the States are allowed to do some enforcement or play a State role, an important State role. I think that is what this has as well.

Let me go to this ''toxic toy'' calendar again. Here again you see these toys that look very familiar, like Thomas up here. Here is the ''Evil Eye'' up here in June of 2007. If I am not mistaken, this is one where they actually had kerosene in the eyeballs. Can you imagine that? They sell these little rubbery or plastic eyeballs that actually had kerosene in those. And this was a children's toy. It is hard to believe.

But you see tops, you see Sesame Street characters, you see little things such as building blocks, you see little scooters, dart boards, a wagon, you see all kinds of things. Some of these might have had lead paint, some of these may present choking hazards. But you can see how busy the Consumer Product Safety Commission is.

Again, part of our legislation is to give them the resources they need in order to do these recalls. But you can imagine with all these recalls and how busy they are—you know, they are over here in September of 2007. They do these toy recalls. Well, suddenly it is October, and they are working on five more. They do not have time to go back to the State of Arkansas or the State of Delaware or Wyoming or wherever it may be in order to go back and enforce what they had been doing in the previous month. They do not have time for that or have the resources for that.

Again, I think the way we have this structured is very positive. Let me give a few examples of what we are talking about here. Let's start with this first month, March of 2007. See this airplane right here? The batteries can overheat in this airplane and cause a fire. This animal farm, this little farm right here, these little pieces can fall off and they become a choking hazard. This keyboard can catch fire. This easel has lead in it.

Then we go over here to April. We see on the infant bouncer, which is right here, this little infant chair, a falling hazard out of the seat. There may have been something in the design or construction that made children susceptible to falling out of this.

This puzzle has a choking hazard. Again, maybe these knobs come off or something will break off, I am not quite sure, but a choking hazard; this activities chart, a choking hazard; the bracelets that you see here, lead poisoning. Again, you can go down this list. This infant swing right here is an entrapment hazard. I am going to tell you, these entrapment hazards are terrible stories. I have talked to those families before. We had a case in Arkansas a few years ago. It was not with an item here, but it was with a crib type playpen. I am going to tell you, it collapsed on the child and choked the child. It was terrible. Unfortunately, we see that all over the country.

This ''Evil Eye'' eyeball, they are ''evil eyes'' because they are full of kerosene. It is hard to believe. Seriously. Think about that. It is hard to believe that any company with any sense at all—I mean, unbelievable—would actually put kerosene in the little toys. Think about it. I do not know why in the world they would ever do that. But that is exactly what they did.

Again, we can go down a long list of what can go wrong with these toys. But this is why the marketplace needs some supervision. The marketplace needs something such as the CPSC and someone on a State level, such as the

State attorneys general, to make sure these toys are not present in the stream of commerce in the various States.

Again, the attorneys general provision of this proposed bill has been a little bit controversial, but it should not be anymore because we have built in the safeguards. We have tried to find the consumer protections. We have tried to make the right policy but at the same time make sure that the attorneys general have the right parameters on them and also keep the CPSC in the driver's seat and to make sure that the State AGs can only seek injunctive relief.

That is a very important point, that injunctive relief, because what that means is there are no money damages with an injunction. They are going out there to force someone to do something such as pull something off the shelf or stop selling something or whatever the case may be. That is a very positive development.

I have heard from a few groups in the last several days on this concern about contingencies: We should not have any contingent fees. Well, realistically, as a practical matter, I do not think you are going to see any contingent fees with injunctive cases. It is very rare to find injunctive cases with a contingency fee. I guess it can happen. I have seen one example where some lawyers tried to do that.

The other thing about the State AGs, given the nature of these claims, I do not think you are going to see very many States use outside counsel. Usually the States bring in outside counsel when there is something very complicated, where there are a lot of costs, or it is a long-term piece of litigation that is going to take years and maybe millions of dollars to repair, very complicated. Again, this is not one of those types of cases. This type of case is you see a CPSC finding, for example, they say the evil eyeballs, kerosene-filled eyeballs cannot be sold in the United States. Some AG is out, they look around, they see it being sold in a Dollar Store, they see it being sold in some discount store somewhere, and they can go after that store and make them get them off the shelves.

Again, I think what you will see here is probably very little litigation. I think once that attorney general tells them, we are about to come after you, in my experience as attorney general, most people will respond to that and respond to that very quickly. They do not want the publicity, they do not want the hassle of selling something such as that.

The last thing I was going to say on the contingent fees is contingent fees, of course, are used in lots of different types of litigation. But if you think about it with injunctive relief cases, there is no money to base a contingent fee on. So if you are going to pull a bunch of ''Evil Eye'' eyeballs off the shelf, how does the contingent fee work? I think more often than not, much more often than not, you will not see any contingent fee cases. I do not think they apply.

The last thing I was going to say on the outside counsel, most States have a process you have to go through to get outside counsel. In fact, when I was attorney general of Arkansas, we never went through the process. We knew about the process; we never went through it. But you actually had to get approval of the State legislature and have the Governor sign off on it. They did that before I became AG. I do not think they ever did that when I was there. I do not think they have done it since. Everyone has a different process, but usually the States will have to go through an RFP type process that can take months. Again, we already have a provision in here where they have to send notice to the CPSC for 60 days. So I would be surprised if you see the States want to stretch out this timeframe, because usually what they have done is they have found a dangerous product in their State, and they are trying to get rid of it.

We have worked very hard to listen to everyone's concerns about the State AGs. We have tried to meet these concerns. We have tried to make sure the concerns are valid. We have tried to meet those and tried to make sure we can keep this bill bipartisan, and hopefully get the 50 votes on this bill as it is written right now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

AMENDMENTS NOS. 4095 AND 4096

Mr. DEMINT. Mr. President, I would like to take a few minutes to speak on two amendments I called up this morning. I appreciate the opportunity to speak. These amendments certainly relate to the consumer product safety bill my colleague from Arkansas has done such a great job ushering through committee and onto the floor. It is clearly a very important issue for us as a nation.

Last year, we were reminded a number of times of the problems when the safety of our products is not ensured. We saw some products coming in from other countries that gave us cause for concern, as well as from within our own country. In the food and drug area, we have certainly seen problems there. So we need as a Congress to make sure we do everything we can to ensure the products that are sold in this country, particularly for our children, are safe.

This was an issue the House of Representatives took very seriously. They have worked for a number of weeks, if not months, on a consumer product safety bill. Speaker PELOSI was very involved with the bill, as well as Chairman DINGELL and Ranking Member BARTON. They produced a bill that had been vetted by a number of people. It had support from consumer product groups, as well as from a number of manufacturers, which is key, that we cannot ignore in the Senate. We need to make the products safe, but we also need to make sure we do not put such a burden on American businesses that they cannot create the jobs and grow the opportunities in the future. That is a delicate balancing act which I believe the House achieved.

In a remarkable vote, the House voted unanimously to support the consumer product safety bill they had on the floor. That bill does a number of things we talk about here.

Let me first read a quote from Chairman DINGELL, who is the chairman of the Committee on Energy and Commerce. It was his committee that worked so hard on this bill. He said, in a New York Times editorial:

> Let's hope that the Senate acts expeditiously and with the same bipartisan commitment as the House.

It is a quote I very much appreciate. We were here in the Senate disturbed, a few weeks ago, when we worked real hard to pass a bipartisan Foreign Intelligence Surveillance Act that we hoped the House would act on in the same bipartisan fashion. Unfortunately, the House decided they needed to include some provisions, some special interest provisions that allow plaintiffs' lawyers to sue the telecommunications companies that are helping us intercept messages from suspected terrorists.

I am afraid we are doing the same thing now on the Senate side that our House colleagues did. We have a very important issue in front of us, which is consumer product safety. The House has sent us a bipartisan bill with clear support from all our constituencies. Yet we have decided on the Senate side to add some special interest provisions, specifically for plaintiffs' attorneys and union bosses.

The House bill does a lot of the things I believe in and I think most of my Senate colleagues believe need to be done.

First of all, it requires there be third-party testing of children's products for lead and other hazards to ensure that unsafe toys never make it to the shelves.

It also requires, as my colleague from Arkansas was mentioning earlier today, that manufacturers place distinguishing marks on products and packaging of children's products to aid in the recall of those products. It can be years later that a product is found to be defective and recalled, and we need to have a way to identify those defective products and recall them and to notify consumers of safety problems.

The bill the House passed unanimously also replaces the Consumer Product Safety Commission's aging testing lab with a modern, state-of-the-

art lab that will allow them to find which toys are safe and which ones are not.

It improves the public notice about recalls so we have a better system of letting the public know when we find a safety problem.

It preserves a strong relationship between industry and the Consumer Product Safety Commission to ensure that industry continues to share information we can use to determine the safety of products.

It also restores the full panel of five Commissioners to the Commission.

This bill is a bill we should pass in the Senate. We know if we go through the process this week of adding amendments and changing the bill, even if we ultimately pass a bill, we are looking at weeks if not months in conference with the House to come out with a final bill.

We have an opportunity. If we pass this amendment, which is a substitute to the underlying bill, passing the House bill, we can send a new bill, a consumer product safety bill, to the President that can be implemented right away.

Again, this is a bill that passed 407 to nothing in the House, with the Democratic leadership taking the initiative on this bill and Republicans agreeing. What we are doing here in the Senate is adding a number of provisions that are not for consumer product safety but designed to create loopholes for special interests.

One is the whistleblower protection provision, which I have a separate amendment to strike. There are ways we can fix this provision. We have a Federal standard we apply to our own agencies that does not create an open-ended litigation process but focuses more on protecting those who make us aware of a problem that an employee tells us about. We need to do that in industry.

I am certainly willing to work with the majority on this issue. I believe Senator CORNYN has an amendment that applies that Federal standard, which would improve this legislation, provide whistleblower protection, but at the same time not create a playground for plaintiffs' attorneys as well as create an opening, as this bill does, for disgruntled employees to wreak havoc inside an organization.

The way the bill is set up, any employee—who may be aware he is getting ready to lose his job for incompetence or something else—can complain about a safety issue, which may or may not be real, and that employee is basically guaranteed a job for life because this bill does not allow a company to fire someone who complained about a safety problem. Even if there was not a safety problem, all the employee has to do is say they had a reasonable belief there was a safety problem.

Folks, it is hard enough to do business in this country today. It seems everything we do in this Congress makes it more expensive and more difficult for our companies to compete in a global economy. Countries throughout Europe lowered their corporate tax rate to 25 percent. China has lowered its corporate tax rate. We continue to keep ours at a level that makes it very difficult for our companies to compete. We need to realize, as we seek consumer product safety, particularly safety for children, we do not need to put unnecessary burdens on our companies and make it more difficult for them to operate in this country.

The whistleblower provision in this bill does not improve consumer product safety, but it does create a potential for increased problems with folks who are manufacturing in this country. We need to realize foreign-based companies are not faced with this same provision. It is only those that are American owned, operating here, that have to follow this whistleblower law the Senate is attempting to add in the consumer product safety legislation. So what we have are American companies at a disadvantage to companies in other parts of the world that do not have to comply. My amendment would strike this provision. Perhaps we can reach a compromise and protect the whistleblower without damaging our competitiveness as a nation.

Mr. President, these are two amendments, and I have a number of others that get at some of the problems in the bill. But, again, I commend the chairman for his work and the commitment by this body to improve consumer safety in this country. I hope we can work together in a bipartisan fashion to create a bill that is focused on safety and not so much on doing favors for our different constituencies.

With that, Mr. President, I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I ask unanimous consent that the time until 5:30 p.m. be used for debate on DeMint amendment No. 4095; that the time be equally divided between Senator DEMINT and Senator PRYOR or their designees; and that following the use or yielding back of time, the Senate proceed to a vote in relation to the DeMint amendment No. 4095, with no second-degree amendments in order prior to the vote.

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

Mr. PRYOR. Mr. President, I wish to speak about the DeMint amendment. Senator DEMINT, by the way, has been very constructive in our meetings and in our discussions. His staff met with my staff last night. The meetings to date have been constructive and positive. We are hoping that they might actually lead to some improvements to the legislation, but we will have to wait and see to know how some of this works out.

I think it is very important for colleagues to understand what this amendment does that Senator DEMINT is offering first and that we will vote on at 5:30, and that is it would take the work the Senate has done on this legislation so far and throw it out the window and adopt the House-passed measure. Now, there are a lot of differences between the House and the Senate versions. Senator DEMINT was correct a few moments ago when he talked about how there are a lot of similarities as well, and that is exactly right. I think I can be fair in my discussion when I say that at least my impression is that when the House started their process last fall, they were doing it—again, from my perspective—more in terms of a reaction to a lot of the news stories everybody was seeing about dangerous toys and children's products that were setting off alarm bells all over the country. I think their bill started as a reaction to that. That is not a bad way to start a bill; I am not critical of the House in any way on it. I am proud of what they did and glad they got it through their committee and actually passed it on the House floor. I believe it was the very last day they were in session last year—if not the last day, it was the last week. So I am proud of what they have done. I would say their bill is a pretty good bill.

Part of the reason, though, or the primary reason their bill has a lot of similarity to ours is during that process—and this is just legislation; I am not critical at all, but during that process they eventually looked at our bill that we were working on in committee, and they took about half or so of it—maybe about 60 percent of it—and did some cutting and pasting and just put it in their legislation. Again, I am honored that they did and flattered that they did because we had been working hard in the Commerce Committee to make sure the reform we were talking about was comprehensive and was good.

I would say generally, in broad strokes, there are two or three major differences between the House bill and the Senate bill as the Senate bill exists today. One is that we have more enforcement in our legislation. We have more transparency in our legislation. We have more comprehensive reform in our legislation than the House bill does. Again, I am not taking away from the House bill. I appreciate their bipartisan effort over there, so I don't want my words to be interpreted as in any way critical. But I do think our bill is better. Ours is bipartisan—and so is theirs, by the way—with Senator STEVENS and Senator COLLINS. I have spoken with several of my Republican colleagues over the last few days, and I would hope they would consider joining

us as cosponsors. I would love for them to consider doing that today. I had some discussions yesterday with a handful of Republicans who said they were interested in at least considering cosponsoring. So we are waiting to hear back from some of those offices today, but we would love to add more Republican cosponsors if at all possible.

Let me go through some of the primary differences in what the House bill does and what the Senate bill does. There are many. Again, the bills are largely similar because the House adopted a lot of what we did, or more or less adopted what we did in the committee. A lot of that has not changed at all, or it has changed very little. So let me run through a few points, five or six points.

First, I would say the Senate bill is more transparent. When I say that, what I am talking about is, under our bill—again, the bipartisan Senate substitute—what I am talking about is there is more information publicly available to people under the Senate bill. We have seen this happen on many occasions. I was going to tell this story later. We have some charts to this effect I didn't want to bring out right now because we will get into this in more detail later. We are going to talk about several examples of incidents where people were injured and where they had bought and used a product that the CPSC had known about and known about the dangers of it, but the CPSC was in negotiations or in discussions with the manufacturer about doing a recall. In fact, there is one incident we are going to talk about later—and it may be tomorrow at this point, depending on how the rest of the day goes—there is one product we are going to talk about where a baby crib collapsed, and it caught a young girl's hand in that crib. I think she was roughly about a year old. We will get the facts on this when we go to it. I think she did end up avoiding serious injury, but it was scary. There were some moments there for the parents.

So the father called the manufacturer of the crib and the manufacturer played dumb. They say: Gosh, we didn't know. We never heard of this problem before. We didn't know our cribs had this problem. Are you sure you had it set up the right way? Are you sure she wasn't abusing it somehow? All of those kinds of things.

The father found out later that by the time he called, that company had 80 complaints about that crib doing exactly the same thing. But because there is no transparency under the current law, there was no way for the father to find out.

If our bill passes, we will set up a database that is searchable where you can go and look at a specific product and know if there have been complaints about it before. This will be a huge benefit to parents and grandparents all over the country. We need to do this. The House bill doesn't have that provision. The House bill has a study. It says: Yes, we ought to study this idea of a database, but they don't have a database. In fact, the database we are talking about, we are not inventing this out of whole cloth. We are using another Federal agency's idea which has worked very well, and that is NHTSA, the National Highway Traffic Safety Administration. I would encourage—here again, I mentioned this before—all of the staff people who are watching in their offices and who think their boss might be undecided on this legislation or undecided on this one point, I would encourage them right now to go to the NHTSA Web site, and there is a little area you can click on that talks about recalled products. I encourage you to do that and go through that and see first how easy it is to use; secondly, the quality of the information that is on there.

Again, we are going to show this later with charts to show all of my Senate colleagues how easy it is, but also how balanced and how fair it is. The industry has had some concerns they will be smeared, that they will be slandered or libeled with all of these complaints. But I think the NHTSA Web site shows it can be done in a very responsible way and done in a way that does help the general public.

Another difference I want to talk about, the second difference between the House version and the Senate version is, the Senate bill—the bill we are on right now—adopts what they call ASTM963–07, which is a standard that is widely accepted by the industries. ASTM stands for the American Society for Testing and Materials, and that has just kind of become a lingo—ASTM has become a lingo in the consumer product world for a set of standards. ASTM963–07 has become a widely recognized, widely utilized standard.

What we do is, we codify that standard. If our bill passes, it is not going to be voluntary. It is not going to be—some people may be following it, and some people may not. We are going to codify it. We will make it law. Again, these are standards that the industry has been using and has accepted. This is not a controversial piece of this legislation. However, this ASTM963–07 is not in the House bill. So the House bill keeps the status quo. They say they are going to assess the effectiveness. Well, it has already been assessed. It has been out there for years and years and years. Again, it is basically universally agreed that these are good safety standards that set the standard for industry and should be adopted into Federal law.

The third difference with the House bill I wanted to talk about is this idea of punishing companies when they do the wrong thing. The Senate committee passed the bill out of committee with a $100 million civil penalty—$100 million. It went from $1.8 million to $100 million—over 50 times what is in existing law.

The House, in the meantime, passed a provision that had a $10 million penalty. Well, the concern I have with the $10 million penalty—civil penalty—is that for a lot of these big companies, $1.8 million can just be the cost of doing business. Again, we have some charts on this that we may show in the next couple of days—it can be the cost of doing business for some of these big companies—$10 million is better. It gets their attention. But what we do is, we set our cap under the Senate bill at $10 million unless there are aggravating circumstances. If there are aggravating circumstances such as maybe you have a repeat offender, maybe you have some particularly egregious behavior, or maybe you have a company that just absolutely does not have any regard for U.S. safety standards. Again, a lot of these products that are defective are coming in from overseas. Maybe they don't have the quality control over there. I don't know. They maybe have a chronic problem or whatever it may be. The Senate bill allows you to take the $10 million max and do an additional $10 million, again, if there are aggravating circumstances.

Quite frankly, I hope the CPSC never has to use that, but the fact that they have that ability maybe will put a little fear in some people when they make some of these decisions about cutting corners on lead paint or making defective products, whatever they may be.

So, again, the Senate bill has a 10-plus-10 provision, which is $10 million max in lesser aggravating circumstances, and then you can go for an additional $10 million. The House bill just has the flat $10 million.

Another difference, and I would call this the fourth difference between the Senate bill and the House bill, is that the Senate bill has a protection for employees who notify the CPSC of violations. Now, this is important. You don't want employees to be punished for doing the right thing. We all know how it works in the real world. It happens where an employee will, over the objections of a company—over the objections of his employer—go and inform the CPSC about some safety violation. It does happen. Again, we have examples. We have charts if anybody wants to see them, or we have memos and background, news articles, et cetera, if people want to see those. But the truth is, you have to keep this in perspective.

What we are talking about with our so-called whistleblower provision is a provision where an employee—it is basically only triggered when an employee of a company tells the CPSC about a dangerous product.

This is fundamental stuff. This employee is out there letting the public know, basically telling the Government there is a dangerous product that is either in the U.S. market or about to get to the U.S. market. Again, that employee for doing the right thing should not be fired or demoted or whatever the case may be. If we set up a process in our law that is based on existing law where the employee goes

through the Department of Labor process, it is well established, we adopt what this Congress has passed in previous years as the standard we would like to see on our whistleblower statute. The House bill has no such protection. We feel as if this is an important improvement in the legislation because we think we will get more information to the CPSC if the employees understand they are protected.

Let's talk about misinformation about this one provision. In the Commerce Committee bill, we actually had a bounty for these employees for turning in companies. We had a bounty in the bill. When I talked with Senator STEVENS, that was not acceptable to him. He made it very clear that he thought it would cause a lot of heartburn on the Republican side. He was very adamant we take that provision out, and we did.

We have also done some other things to build in some safeguards. For example, if an employee files a frivolous claim with the Department of Labor, he can be subject to a $1,000 penalty. I don't have to go through all that today.

Our Senate bill, we believe, is balanced, we believe it is fair, we believe it is in the public interest to have this information come forward and the employee not be punished at work for telling the Government about a safety violation.

The fifth matter I wish to talk about is lead. I heard someone say this bill is the ''get the lead out'' bill. This bill does, for the first time, in a very historic manner, set a standard for lead in children's products. Most Americans believe there is a standard for lead in children's products. There is not a standard. There is a standard for lead in paint but not for children's products.

Every pediatrician with whom I have ever talked and every pediatrician who has testified either on the House side or the Senate side and every scientist will tell you of the dangers of lead. It is basic scientific medical knowledge today that lead is bad for children.

What we do in the Senate version of the legislation is we essentially ban lead. We do not completely ban it because we understand that lead is a naturally occurring element. We are going to have trace amounts of ambient lead in the atmosphere. We acknowledge that in our legislation. And our legislation, when it comes to lead, is more aggressive in getting the lead out of children's products. We do it quicker, and I think we do it in a better way than the House bill does.

The last point I wish to mention on the seven major differences between the House version and the Senate version is the DeMint amendment—and that is what we are talking about today—to make sure the Consumer Product Safety Commission has the funding it needs to do what we want it to do.

The Senate version is a 7-year reauthorization. The DeMint amendment would flat line the funding at a 10-percent level after 2009. Our bill actually has a slower ramp-up or it does have a ramp-up in resources, but we acknowledge there is a lot of work to be done with this Commission. We cannot just give it a year or two of increased appropriations and then flat line it and hope it is going to be OK. What we need to do is continue to invest in this Commission to make sure long term we set it up for success.

The Senate version has that major advantage over the DeMint amendment. The current version has a big advantage over the DeMint amendment when it comes to providing the resources to the Consumer Product Safety Commission.

On that point, I say this: My colleagues all know, because they have seen my voting record, there have been times when I have been pretty much a deficit hawk around here and times when I have tried to shrink Government and different efforts such as that. I am not a person who believes we ought to throw money at a problem because I think generally when we do that, we do not get a very good result. I have seen that time and time again on the Federal level. But this is an exception. This is one of those times when I think we are being targeted, I think we are being responsible, I think we are slowly ramping up this Commission and not throwing a bunch of resources at it right now, but we are measuring out those resources over time, over a several year period.

I think what we will see in 7 years is a much stronger CPSC than we have today. It is not just about the CPSC as a commission being stronger. That may, in and of itself, be OK, but what is good about our legislation, the Senate version, is I believe very strongly we will have a big improvement in safety all across America.

We talk about toys, and toys are a very important piece of what the CPSC does, but they do all kinds of things. Part of this legislation is to have a Federal standard on portable gas cans and the caps that are on gas cans. We have seen that problem in many incidents around the country because there is no common standard on gas caps on these gas cans.

What we will be able to do with this legislation, with the Senate version, is to make the consumer product safety world much safer. Again, my hope is that when we stand here, say, 5 years from now, we will see a precipitous decrease in litigation, we will see a decrease in recalls, we will see a decrease in injuries, and we will see a decrease in deaths as a result of consumer products and consumer product violations.

I say to my fellow Senators, it looks as if we are going to vote on the DeMint amendment at 5:30 p.m. today. I encourage Senators and their staffs to look at the DeMint amendment and look at how it weakens the Senate version of the Consumer Product Safety Reform Act. It does weaken the Senate version. The DeMint amendment is basically—well, it is exactly accepting everything the House has done. We can do better than that. We can be stronger. In fact, I have talked with several House Members who like what we are able to do in the Senate version. The DeMint amendment puts us where the House is, and we need to have the Senate's stamp on this legislation so we can go back home and tell the people what we are doing for them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided.

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

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, I ask that the time come out of the Republican time, because I think the Republicans have 55 minutes, or something like that, and the Democrats only have 28 minutes.

Mr. ALLARD. That is acceptable to our side. I thank my colleague.

The PRESIDING OFFICER. The Senator from Colorado.

THE BUDGET

Mr. ALLARD. Mr. President, I think it would be helpful for us to spend some time before the fiscal year 2009 budget bill is before us to review the fiscal year 2008 budget. This is something we could not do last year. Last year, the majority was in their first year and in sort of a honeymoon phase. They had the benefit of the doubt and no recent record to be saddled with. They could make pledges and promises, they could make forecasts and make predictions, and we were under an obligation to wait for those results. The charge of tax and spend was from the past. Perhaps things were different.

Well, the Democrats' 2008 budget raised taxes by $736 billion. It assumed the largest tax increase ever, hitting 116 million people. It failed to extend middle-class tax relief, as promised. The Democrats' fiscal year 2008 budget

increased spending by $205 billion. It hiked nondefense discretionary spending $205 billion over 5 years. That is $350 billion over 10 years. It manipulated reconciliation to spend $21 billion in entitlements. It allowed entitlement spending to grow by $466 billion over 5 years.

The budget and its supporters repeatedly ignored, waived, or gimmicked pay-go to the tune of $143 billion. The Democrats' fiscal year 2008 budget grew the debt by $2.5 trillion. It passed the debt along to our children, who will each owe $34,000 more. The Democrats' fiscal year 2008 budget ignored entitlement reform. It failed to offer any real solutions to the $66 trillion entitlement crisis.

The budget and its supporters rejected reasonable proposals to address this entitlement crisis and, instead, allowed entitlement spending to grow by $466 billion over 5 years. The budget wildly overstated revenues from closing the tax gap to justify more spending. That bill was, in fact, a classic Democratic tax-and-spend bill.

The majority had a clean slate, a new dawn. They went with the worst policies of the past—bigger taxes, bigger spending, bigger debt, and larger government. One example will show we are dealing with what can only be described as either cold cynicism about the value of their rhetoric or gross ignorance of government realities. The SCHIP authorization bill increased entitlement spending $35.4 billion over 5 years and $71.5 billion over 10 years. However, a blatant budget gimmick drastically cut the program's funding in 2013 by 85 percent to avoid a pay-go point of order. Nobody seriously expects this funding cut to occur. Nobody seriously believes this qualifies as paying as you go. Yet both claims were made on this floor.

I voted against the fiscal year 2008 budget. The budget represented a 6.8-percent increase in domestic Federal spending in 1 year. And let us look at the debt figures. We see the debt is increasing unimaginably. We are seeing a tremendous growth in the deficit, increasing by $440 billion. We see mandatory spending growing unchecked by $411 billion in fiscal years 2008 through 2012. We spend more than $1 trillion of the Social Security surplus. Unfortunately, what we end up with is a growth in the debt of over $2.2 trillion.

Yet the deficit is increasing while more taxes are expected to be collected. If the tax increase goes into place—and that happens because there was no provision to make the tax cuts that were passed in the Republican Congress in 2001 and 2003 permanent—by default these taxes are going to increase by over $736 billion. So we have a deficit that is increasing even though we have a dramatic increase in revenues which were taken into account in this budget. That is going to be the largest tax increase in the history of this country contributing to overspending.

We are entering a new phase in our economy, a time when the negative effects of the housing crunch are coming due. But the housing problems are attacking the prosperity that resulted from our earlier tax policies. The tax cuts we put in place in 2003 stimulated the economy. As a result of those tax cuts, there was more money available for local governments to help pay for their programs, including State governments. There was more money available for the Federal Government. That is why it was so easy for the majority party to put together that budget last year, because of the large amount of revenues coming in to the Federal Government. I attribute that to the fact that we cut prices for the working men and women of this country, primarily those who own their small businesses and, by the way, who put in more than 40 hours a week. Many times they work 7 days a week to keep those small businesses operating, supporting their communities. That is where we generate the revenue.

Now that our economy is trending in the wrong direction, and when we need the benefits of a reasonable and progrowth tax policy, the reality is going to be that we are going to depress our economic growth. We are talking about increasing taxes on corporations that do business all over the world. Well, they are in a competitive environment. They have to compete with other countries. We cannot constrict our economy to strictly American borders. We have to extend beyond that. If we want to get our economy going, we are going to have to talk about trade. We are going to have to talk about doing business all over the world.

Let's look and see how individuals are going to be impacted by this tax increase that will happen by default because we do not keep it from expiring in the outyears. A family of 4, earning $40,000 a year—that is if both the husband and the wife are working and making $20,000 each—will face a tax increase of $2,052. We have 113 million taxpayers who will see their taxes go up an average of $2,216.

Now, if we look at this a little further, we see that over 5 million individuals, families who have seen their income tax liabilities completely eliminated, will now have to pay taxes. That is the new tax bracket we have created to provide tax relief for many of those working families. So that is going to expire. When that expires, that is going to impact 5 million individuals and families who will begin to have to pay taxes that they were allowed to get by without having to pay so they could pay for the education of their kids, so they could pay for health care, so they could pay for the needs of the family, food and shelter.

We are not talking about individuals who are making a lot of money in this case. Forty-five million families with children will face an average increase of $2,864; that is the marriage penalty. Fifteen million elderly individuals will pay an average tax of $2,934. These are the people who are on retirement. Twenty-seven million small business owners will pay an average tax increase higher than any of those groups that I mentioned of $4,712. That is where our economic growth is generated—or was generated.

People of Colorado have asked me: How is this likely to affect me as a Coloradan? Let me talk a little bit about how this could affect taxpayers of the State of Colorado.

In Colorado, the impact of repealing the Republican tax relief would be felt widely. For example, more than 1.6 million taxpayers statewide who are benefiting from a new low 10-percent bracket would see their tax rates go up; 590,000 married couples could face higher tax rates because of an increase in the marriage penalty; 432,000 families with children would pay more taxes because child tax credits would expire; and 310,000 Colorado investors, including seniors, would pay more because of an increase in the tax rate on capital gains and dividends.

Remember, seniors who have retired have a lot at stake when we talk about capital gains taxes and dividends because they put their money in the stock market. They have put it in investments. As retired individuals, they are finding that they are beginning to pull that out for their retirement. The consequences are that without that tax break, they would not have been able to save as much money toward their retirement.

Tomorrow, we are going to get our first glimpse of the majority's proposed fiscal year 2009 budget. We have more clarity now on what we can actually expect when pay-go—which some refer to as ''tax gap''—and spending curbs and other terms are thrown at us by the supporters of that budget. We know that last year the words might have implied one thing, but the numbers said an entirely different story: Spending went up, the deficit went up, and taxes went up. Let's hope this year is a better year for the taxpayers and the citizens of this country.

I yield the yield floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

Mrs. FEINSTEIN. Mr. President, I will retract that and not set aside the pending amendment.

AMENDMENT NO. 4104

I would like to speak on an amendment I intend to submit at the appropriate time.

There are six chemicals that are often included in plastic toys. What those chemicals do is essentially make the toy softer, more pliable—ergo, more attractive to children.

This is my communications director's young son. His name is Max Gerber. He is 8 months old in this picture.

He is sucking on his favorite book. I ask unanimous consent that I might show you what that book looks like.

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

Mrs. FEINSTEIN. This is that book. The book is called ''Hello Bee, Hello Me.'' As you can see, it is an attractive book. It was studied in 2006, and it was found to be loaded with phthalates. But this is what babies do; they put everything in their mouths.

Phthalates all too often are found in high quantities in children's toys and other products. Studies have found that they are linked to both birth and other serious rare reproductive defects. When these young children chew or suck on a toy with phthalates, these chemicals can leech from the toy into the child and enter the child's bloodstream.

They interfere with the national functioning of the hormone system, and they can cause reproductive abnormalities and result in an early onset of puberty. Parents across the country actually have no idea of these risks.

These chemicals have been banned in the European Union, five other countries, and my home State of California, and eight other States are now proposing similar bans. I believe this is the appropriate time for the Federal Government to shield children from these chemicals.

Now, of course, my communications director, like many parents, had no idea that this book contained high levels of phthalates. But it is not just books; phthalates can be found in a variety of soft children's toys such as rubber ducks and teethers like this one.

I ask unanimous consent that I may show you that teether.

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

Mrs. FEINSTEIN. It is this. It is very flexible. It is loaded with these chemicals.

So you can see Max is a little bit older, chewing on a teether. Tests found that teether contained a high level of phthalates.

In 2006, the San Francisco Chronicle sent 16 common children's toys like this teether to a Chicago lab to test whether they contained phthalates. They did, in fact.

The results should alarm parents everywhere. One teether contained a phthalate level of five times the proposed limit. A rubber duck sold at Walgreens had 13 times the amount of phthalates now permissible under California law. The face of a popular doll contained double California's new phthalates limits.

Another study tested 20 popular plastic toys. The results were equally troubling. A Baby I'm Yours doll sold at Target contained nearly 32 percent of phthalates. A toy ball sold at Toys R Us was found to contain 47½ percent phthalates. Three types of squeeze toys—a penguin and two ducks—contained high levels of phthalates. They were also bought at Wal-Mart and Target.

So I would like to, if I can, if I will be cleared to do it, send an amendment to the desk. The amendment would replicate what will be California law in 2008 and ban the use of the chemical phthalates in toys as California has done and eight States are continuing to do.

The European Union banned phthalates in 2006. That is all these countries: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the UK. They have all banned the use of these chemicals in children's toys. Fiji, Korea, and Mexico have also banned or restricted phthalates in children's products.

Beginning next year, toys containing more than trace amounts of phthalates cannot be sold in California stores. My home State was the first State to ban phthalates in toys and other children's products. Governor Schwarzenegger signed the legislation, which, as I say, will become effective in January of 2009. Eight States are following California's lead. Legislation has been offered in Washington State, Maryland, Hawaii, Illinois, Vermont, West Virginia, Massachusetts, and New York.

Unfortunately, toys containing phthalates are still available to children across this country. I think it is time for the rest of the country to follow the lead of California, the European Union, and other nations because without action the United States risks becoming a dumping ground for phthalate-laden toys that cannot legally be sold elsewhere. I think American children deserve better. Parents in every State should be able to enter any toy store, buy a present for their child, and know they are not placing their son's or daughter's health at risk.

This amendment follows the same standards already set by the European Union and California. It bans the use of six types of phthalates in toys. Three of the phthalates are banned from all children's toys; three others are banned from toys children place in their mouths. The amendment clearly states these chemicals cannot be replaced with other dangerous chemicals identified by the Environmental Protection Agency as carcinogens, possible carcinogens, or chemicals that can cause reproductive or developmental harm.

Now the science. The science involving phthalates is still evolving; however, we know exposure to phthalates can cause serious long-term effects. Some of the potential health effects and defects are highly personal and difficult to discuss. They are problems no parent would ever want a child to experience.

I have two anthologies here which I will make available, a phthalates research summary and a paper which summarizes several of the works of science.

Here are some of the effects: Pregnant women with high levels of phthalates in their urine were more likely to give birth to boys with reproductive birth defects. That is a University of Rochester 2005 study. Phthalate exposure has also been linked to the premature onset of puberty in young girls as young as 8 years old. That is a 2000 study published in Environmental Health Perspective. A 2002 study linked phthalate exposure levels to decreased fertility capacity in men. And phthalates found in household dust have been linked to asthma symptoms in children. That is a Swedish study. The evidence that phthalates cause health problems continues to mount. Young children whose bodies are growing and developing and extraordinarily sensitive are particularly vulnerable when exposed to phthalates in the toys around them.

Now, many American toy retailers have already stepped up when it comes to phthalates. I am very grateful for this. Target has already eliminated phthalates from baby changing tables. Late last year, they announced that most toys they sell will be phthalate-free by fall of 2008.

Wal-Mart and Toys R Us announced they will voluntarily comply with California's standard nationwide. These are two huge retailers that will voluntarily comply with the California standard. They informed toy producers that beginning in 2009, they will no longer sell toys that contain phthalates.

These retailers should really be commended. I would like to do so. Thank you, Wal-Mart, thank you Toys R Us and thank you, Target.

This action also underscores the emerging uneasiness about those chemicals, with toy retailers acknowledging that parents do not want to unwittingly provide their young children with toys that could prove hazardous to their health. The amendment I hope to enter levels the playing field in the toy industry, requiring every toy store and manufacturer to comply with the standards being voluntarily put in place.

I do wish to underscore an important point: This voluntary action, while highly commendable, should not take the place of an official regulatory standard.

Candidly, I can't imagine why we have waited this long. We always wait until the States take action. Some manufacturers have marketed products as phthalate free, but tests conducted by independent laboratories have found phthalates. Parents wishing to purchase phthalate-free toys must be able to know what it is they are buying. I firmly believe only a legal standard with the full weight of the law and potential legal consequences behind it will make that guarantee.

I wish to read from a letter from the Breast Cancer Fund:

On behalf of the Breast Cancer Fund and our 70,000 supporters across the nation, I am writing to express our strong support for your amendment to the Consumer Product Safety Commission Reform Act . . . which would prohibit the manufacture, sale, or distribution in commerce of children's toys and child care articles that contain phthalates.

It goes on to describe phthalates. It is signed by Jeanne Rizzo, R.N., Executive Director.

I ask unanimous consent to have this letter printed in the RECORD.

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

MARCH 3, 2001.

Senator DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the Breast Cancer Fund and our 70,000 supporters across the Nation, I am writing to express our strong support for your amendment to the Consumer Product Safety Commission Reform Act (S. 2663) which would prohibit the manufacture, sale, or distribution in commerce of children's toys and child care articles that contain phthalates.

Phthalates are a family of industrial chemicals used in a wide variety of consumer products including plastics, nail polish, perfumes, skin moisturizers, baby care products and toys, flavorings and solvents. These chemicals don't stay in the plastics they soften or in the countless other products in which they are used. Instead, they migrate into the air, into food and/or into people, including babies in their mother's wombs. Phthalates have been found in indoor air and dust and in human urine, blood, and breast milk. What's especially troubling about phthalates is that they are powerful, known reproductive toxins that have been linked to birth defects in baby boys, testicular cancer, liver problems and early onset of puberty in girls—a risk factor for later-life breast cancer. The European Union and 14 other countries, including Japan, Argentina and Mexico, have already banned these chemicals from children's toys.

BCF was one of the primary sponsors of AB1108—a bill recently signed into law by Governor Schwarzenegger which made California the first State in the Nation to ban the use of phthalates in toys and other childcare articles. Now 12 other States have followed suit and have introduced—or are considering introducing—legislation to ban phthalates in toys and other products.

Obviously, there is nothing more important to the future of this country, and the world than ensuring our children are healthy today. By supporting your amendment, Congress has the opportunity to protect children from dangerous, unsafe and unnecessary exposures to toxic chemicals in the products they play with every day such as teethers, toys and childcare items. Thank you for your critically important leadership on this issue.

Very truly yours,

JEANNE RIZZO,
Executive Director.

Mrs. FEINSTEIN. Many organizations support the amendment, and I ask unanimous consent to have a list of those printed in the RECORD.

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

Alaska Community Action on Toxics, Breast Cancer Action, Breast Cancer Fund-Center for Environmental Health, Center for Health, Environment and Justice, Citizens for a Healthy Bay, Clean Water Action Alliance of Massachusetts, Coalition for Clean Air, Commonweal, Environment California, Healthy Child Healthy World, Health Education and Resources, Healthy Building Network, Healthy Children Organizing Project, INND (Institute of Neurotoxicology & Neurological Disorders), Institute for Agriculture and Trade Policy, Institute for Children's Environmental Health, MOMS (Making Our Milk Safe), Minnesota PIRG, Olympic Environmental Council, Oregon Center for Environmental Health, Oregon Environmental Council, PODER (People Organized in Defense of Earth & her Resources), Safe Food and Fertilizer, Sources for Sustainable Communities, The Annie Appleseed Project, US PIRG, WashPIRG, Washington Toxics Coalition, WHEN (Women's Health & Environmental Network).

Mrs. FEINSTEIN. It has been a long time since I had a small child, but I used glass nursing bottles, not fancy flexible bottles. I used cloth diapers. The toys were not as flexible as they are today. My daughter grew up fine. One of the real hazards of this society is chemicals and how chemicals are used, and we don't know how they are used. When it comes to children's toys, I didn't know you could make plastic that way, so soft, so flexible. The reason you can is because of all the chemicals added to it. When these chemicals have a toxic factor and you know these chemicals are going in a child's mouth and you know they leach out of the plastic into the child's system, it simply isn't right. We ought to stop it.

People out there know that. People out there want this. I would have liked to have taken the time to have had a committee hearing on this. But candidly, this bill came up. And because this is already law in so many places—the European Union, 5 other nations, California, 8 other States ready to pass it—and you have retailers who understand and are willing to take voluntary action, it seemed to me the legal standard should be established. That is what this bill does.

I call up my amendment which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 4104.

Mrs. FEINSTEIN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain specified phthalates)

On page 103, after line 12, add the following:

SEC. 40. BAN ON CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) BANNED HAZARDOUS SUBSTANCE.—Effective January 1, 2009, any children's product or child care article that contains a specified phthalate shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply to such product or article.

(b) PROHIBITION ON USE OF CERTAIN ALTERNATIVES TO SPECIFIED PHTHALATES IN CHILDREN'S PRODUCTS AND CHILD CARE ARTICLES.—

(1) IN GENERAL.—If a manufacturer modifies a children's product or child care article that contains a specified phthalate to comply with the ban under subsection (a), such manufacturer shall not use any of the prohibited alternatives to specified phthalates described in paragraph (2).

(2) PROHIBITED ALTERNATIVES TO SPECIFIED PHTHALATES.—The prohibited alternatives to specified phthalates described in this paragraph are the following:

(A) Carcinogens rated by the Environmental Protection Agency as Group A, Group B, or Group C carcinogens.

(B) Substances described in the List of Chemicals Evaluated for Carcinogenic Potential of the Environmental Protection Agency as follows:

(i) Known to be human carcinogens.

(ii) Likely to be human carcinogens.

(iii) Suggestive of being human carcinogens.

(C) Reproductive toxicants identified by the Environmental Protection Agency that cause any of the following:

(i) Birth defects.

(ii) Reproductive harm.

(iii) Developmental harm.

(c) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) applies to a phthalate that is not described in subsection (d)(3);

(2) applies to a phthalate described in subsection (d)(3) that is not otherwise regulated under this section;

(3) with respect to any phthalate, requires the provision of a warning of risk, illness, or injury; or

(4) prohibits the use of alternatives to phthalates that are not described in subsection (b)(2).

(d) DEFINITIONS.—In this section:

(1) CHILDREN'S PRODUCT.—The term ''children's product'' means a toy or any other product designed or intended by the manufacturer for use by a child when the child plays.

(2) CHILD CARE ARTICLE.—The term ''child care article'' means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(3) CHILDREN'S PRODUCT OR CHILD CARE ARTICLE THAT CONTAINS A SPECIFIED PHTHALATE.—The term ''children's product or child care article that contains a specified phthalate'' means—

(A) a children's product or a child care article any part of which contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent; and

(B) a children's product or a child care article intended for use by a child that—

(i) can be placed in a child's mouth; and

(ii)(I) contains any combination of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent; or

(II) contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate

(BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

Mrs. FEINSTEIN. I wish to address a question to the distinguished chairman of the committee who has done fine work on this bill. I would at some point like a vote on this amendment, if possible. I am happy to set it aside if that is helpful and not ask for the yeas and nays at this time, but I do want to vote. I believe children are at stake in this.

Mr. PRYOR. I thank the Senator from California for being so gracious. While she was speaking, I talked to some of the Republican staff. I think they need a little more time and maybe even people on our side need a little more time on the amendment. If possible, I ask the Senator from California to set it aside. We will have a vote at 5:30. We have several Senators who we think will come and speak on the DeMint amendment. We will be working with the Senator as this goes along.

Mrs. FEINSTEIN. I appreciate that. Out of deference to the Senator from Arkansas, I am happy to do so.

I ask unanimous consent that Senators BINGAMAN and MENENDEZ be added as cosponsors of the amendment.

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

Mrs. FEINSTEIN. I thank the Chair and yield the floor.

Mr. PRYOR. I suggest the absence of a quorum and ask unanimous consent that time under the quorum be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Mr. President, I rise today to speak on a very important issue that is intended to protect Americans and to protect our children.

Before I make my comments, I wish to give a shout out to Senator MARK PRYOR, who has been leading this effort on behalf of the Senate. I worked with Senator PRYOR during his time as attorney general from Arkansas. If there is one thing that typifies the reality of attorneys general, they are protectors of the people. MARK PRYOR, as attorney general of Arkansas, was a great example of a protector of the people of Arkansas, and he has continued that fine tradition in the Senate by moving forward in the Commerce Committee and being the lead person in putting together this legislation that will protect American consumers, in particular American children.

I wish to begin today by sharing a story about a brave 4-year-old boy from Severance, CO, by the name of Tegan Leisy. Tegan and his family found out about toy hazards the very hardest of ways.

Last year, when Tegan was only 3 years old, he suddenly and inexplicably became very sick. He was vomiting and in a lot of pain. Tegan's parents rushed him to the emergency room, and the doctor took a series of x rays. The x rays showed something in Tegan's stomach that looked like a metal object. The doctors said the object would pass in 72 hours and not to worry. Unfortunately, it did not pass.

Tegan remained in severe pain, so Tegan's parents took him back to the hospital. This time they admitted Tegan, and they held him for observation. Over the next 2 days, the doctors x raying Tegan found there was an object inside his stomach that was not moving.

On the third day, the surgeon decided to operate. What did they find in the 3-year-old young man's stomach? They found six magnets—six magnets—from toys that Tegan had swallowed. The magnets had stuck together, and it created 11 holes in Tegan's intestines. The doctors had to remove 6 inches of his intestines that day during surgery.

Think of that, Mr. President. Think of that, all those who are watching this debate on the Senate floor today. A 3-year-old boy had to have portions of his intestines removed because he swallowed pieces that had come off his toys. Tegan is, in fact, one of the lucky ones. He is alive because of the good work of doctors who saved him and because his parents helped him catch the problem on time. Not all kids in America are that lucky today.

Congress created the Consumer Product Safety Commission, now more than 30 years ago, to protect American consumers against death or injury from unsafe products. However, the agency is grossly underfunded and understaffed. The CPSC estimates that products it is authorized to regulate are related to 28,200 deaths and 33.6 million injuries each year. Over 28,000 deaths a year. Yet the agency only gets $63 million a year to carry out its mandates.

As a result, stories such as Tegan's are commonplace across America.

In the last few months, newspapers have run stories on hundreds of cases of unsafe chemicals in toothpaste, contaminated dog food, and toys tainted with toxic levels of lead.

I support the CPSC Reform Act for several reasons. First, this bill would restore funding for the CPSC so that it can stop dangerous products and toys from even reaching the marketplace. If a dangerous product reaches the shelf, it is often too late.

Second, the bill finally takes steps to ban lead in children's toys. Exposure to lead can cause serious neurological and developmental health problems in children. In the past year, millions of children's toys have been recalled for containing hazardous levels of lead. The toys have included metal jewelry, train sets, and Halloween costumes. I see no reason why Congress would pass a Federal law banning lead in paint, but not in children's toys.

Third, the CPSC Reform Act would grant State attorneys general the ability to bring a civil action on behalf of its residents to obtain injunctive relief against entities that the Attorney General believes has violated a consumer product safety. I had the great privilege of serving as Colorado attorney general for 6 years. As an attorney general, you want to do everything in your power to protect the citizens of your State. The narrowly tailored watchdog power granted in this bill would have given me another tool to help protect the citizens of Colorado from unsafe and hazardous products.

There are many other fine provisions in the CPSC Reform Act. I strongly urge my colleagues to support the bill and to help restore American confidence in the safety of the toys and other products that are sold in the marketplace. We must do what we can to prevent parents across the country from experiencing the nightmare that Tegan's parents experienced.

This Consumer Product Safety Commission Reform Act will take major steps in moving forward the solution to an issue that is facing American consumers every day in our Nation.

I conclude my statement by making this comment: There has been a lot of discussion here about a particular provision of this legislation that gives attorneys general the opportunity to come in and to enforce the law. It is appropriate whenever you have a situation such as this to throw more cops into the situation to try to make sure consumers are protected. This is an area of law where attorneys general from across the country—both Democrats and Republicans—have been waging the war on behalf of consumers for a very long time. They do not do it based on Republican or Democrat. They do it based on what is good to protect the American consumer.

So for those colleagues on the other side who will argue against giving this power to the attorneys general of America—I would say they, frankly, are mistaken, that when you look at the history over the last 30 years of attorneys general taking the lead role in terms of enforcing the laws of our country to protect consumers, this is exactly the kind of situation that calls out for giving that power to the attorneys general of the United States of America.

So I am hopeful we can come together as a Senate, as a Congress, and push legislation that gets to the President's desk and that he signs into law so we protect the kids of America, we can protect the consumers of America, and keep situations such as the one I described in Colorado from occurring again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent to have printed in

the RECORD a letter, dated February 29, 2008, from the National Association of State Fire Marshals. It is addressed to Senator INOUYE and Senator STEVENS, where they endorse this legislation, this Senate bill.

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

NATIONAL ASSOCIATION OF STATE FIRE MARSHALS,
Washington, DC, February 29, 2008.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Commerce, Science and Transportation, Dirksen Senate Office Building, Washington, DC.

Hon. TED STEVENS,
Vice Chairman, Senate Committee on Commerce, Science and Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS INOUYE AND STEVENS: The National Association of State Fire Marshals (NASFM) consists of state public safety officials committed to the protection of life, property and the environment from fire and other hazards.

NASFM deeply appreciates all you have done to produce a bi-partisan substitute for the Consumer Product Safety Commission Reform Act (S. 2663), and we support the substitute language without reservation. However, NASFM believes that these compromises go far enough. We would prefer that this legislation be settled in the next Congress if further reductions in fines and federal and state authority become necessary as a result of floor amendments or in negotiations with the House of Representatives.

Sincerely,

JOHN C. DEAN.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that I be listed as an original cosponsor of this legislation.

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

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I understand we are trying to divide the quorum calls, so until some other Senator comes and wants to speak, I will seek the appropriate parliamentary position.

FLORIDA DEMOCRATIC PRIMARY

But I wish to take this opportunity to speak about the bill, the Consumer Product Safety Commission. I also wish to speak about another unrelated subject, but one in which we are having a potential train wreck coming on the American political scene if, in fact, the worst were to happen, and we did not have a nominee in the Democratic Party for President all the way down into late August, going into the convention in the State of the Presiding Officer—Denver, CO—where the Democratic National Convention will be. Because then the issue would be so raw as to whether to seat the Florida and the Michigan delegations at the convention.

Now, the reason I am making these remarks is I have talked to a number of our colleagues, and what I am about to tell you our colleagues don't know about the State of Florida in this fracas that is going on. Because most people think it was the Florida Democratic Party that suddenly got all riled up and shifted the Democratic primary in Florida ahead of the permitted time of February 5 and shifted it a week earlier to January 29. Not so. It was the Republican Legislature of Florida passing a law that was signed into law by the Republican Governor that changed, by law, Florida's date from its previous date of a primary in March to January 29. At the time the legislature did this, a year ago, in the annual legislative session, in early 2007, the rules of the Democratic National Committee said any State moving ahead earlier than February 5 would be penalized with half of its delegates taken away. Interestingly, that is what the rules of the Republican National Committee said as well. But when the Florida Legislature moved the date—and by the way, here is another fact that my colleagues of the Senate are surprised about when I tell them. When the bill came forward, it was an election reform bill, an election machine reform bill that was clearly going to pass on final passage in the Florida Legislature.

It had a provision put forth by the Republicans in the legislature of moving the primary date early, to January 29. The Democratic leader of the Florida Senate offered an amendment to put it back to comply with the rules of the Democratic National Committee to February 5. That amendment was defeated, and then the bill went on to final passage since the main part of the bill was election machine reform—something we are sensitive about in Florida, by the way—and the Governor signed it into law, thus making part of the bill January 29. But then, once it became the law—and nobody is going to change that in Florida; that is the law. That is the date of the election. That is the date around which all of the State election machinery would operate, and the State of Florida would, in fact, pay for that election. And indeed they did—$18 million worth of paying for.

Then an interesting thing happened on the way to this crisis. The Republican National Committee said: No, Florida, you moved your date early. You broke the rules. Our rules say we are going to take away half your delegates. That is exactly what the Republican National Committee did. The Republicans went on to have a primary election, realizing they were only going to get half their delegates. But that is not what the Democratic National Committee did. The Democratic National Committee rules said: We are going to take away half your delegates. But over the course of the summer, some on the Democratic National Committee got so riled up about Florida jumping ahead of South Carolina, which wanted the privilege of being the first Southern State to have a primary, that they convinced the Democratic National Committee to exact the full measure of punishment—not what the rules called for, to take away half the delegates—but instead take away all the delegates.

Then, another interesting thing happened. Those who wanted to punish Florida decided to concoct a pledge that they would force all of the Presidential candidates to sign, and the pledge said they would not go into Florida to campaign. Campaigning was defined as having staff, having an office, using telephones, even holding a press conference. But, by the way, there was an exception. They could go into Florida and raise money.

So my colleagues can see how this has created a highly distasteful bad taste in the collective mouths of four and a quarter million registered Democrats in Florida, almost half of whom turned out on election day, January 29, when they were being told: Your vote is not going to count. Well, it is pretty precious to us in Florida that our vote count, and our vote count as intended, and 1.75 million Florida Democrats turned out. That was far in excess of twice the number that had ever turned out in any Presidential primary held in the State of Florida before. The Democratic National Committee still says they are not going to allow Florida's votes to be counted. Well, all of this fracas is coming full circle.

Now, by the way, it wasn't that a lot of us didn't try. A whole bunch of us in the Florida congressional delegation first tried to work a compromise. We tried to say if everyone would get in the order that they wanted, the first four original States could end up being the first anyway. But, no, they were not about to listen to a compromise. This is back in the summer. This is in August. This is in early September, before the final decision became effective in September from the DNC of cutting off all the delegates in Florida. Congressman ALCEE HASTINGS and I even filed suit in Federal district court against Howard Dean and the Democratic National Committee on the constitutional arguments that due process and equal protection of the laws under the Bill of Rights in the Constitution was violated. The Federal judge who heard the case in December decided he bought the argument of the DNC, that a court case from the 1970s—a Wisconsin case, in fact—applied, and that

the DNC could do whatever it wanted in the setting of its rules.

So what we come to is an unfortunate turn of events where, if the race is close, and delegates pledge delegates and decisions of superdelegates going into the summer, and if Florida and Michigan, which have a different set of circumstances, which are both being denied, were to make the difference, and if they are not seated at the Democratic National Convention, it is finally dawning on the partisan party leaders that how are Florida and Michigan and the people of those States going to feel 2 months hence after the Democratic National Convention, when election day, November 4, comes around. That is starting to make some people very nervous.

So I call on all the reasonable heads—as the Good Book says, come let us reason together—to honor the fact that almost 2 million Florida Democrats went and voted and they expect their vote to count and count as they intended it to count. I call on the reasonable leadership to come together for the sake of unity and allow us to go into a convention in a unified fashion so that we can have a very legitimate election process for the leader of our country for the next 4 years.

I understand there are other Senators who wish to speak, so I will defer my comments about the Consumer Product Safety Commission bill, of which I am a cosponsor, until a later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4095

Mr. DEMINT. Mr. President, I would like to speak for a few minutes on my amendment that I believe we will be voting on at 5:30 today. This amendment brings up the House-passed consumer product safety bill. This was a bill that had extraordinary bipartisan support. It was led by Speaker NANCY PELOSI and Chairman DINGELL and Ranking Member BARTON. They worked together for a number of weeks to create a bill that did a lot of the things we had hoped to do in the Senate, and Chairman DINGELL has encouraged us to take up the House bill and pass it today.

I see Senator STEVENS has come to the floor, and I know he wants to speak on this bill. I would be glad to yield my time or part of my time and then follow Senator STEVENS, if he would like me to. I think we have the balance of the time until 5:30 together, and I understand the Senator from Alaska needs 5 minutes. I yield 5 minutes to Senator STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Senator is very generous for sharing his time. I have come to the floor to speak on his substitute bill.

I hope the Senate realizes this is a complete substitute, and it will take the House bill and replace it for the actions that the Senate has taken through our Commerce Committee and on the Senate floor so far. While there are some portions of the House bill that are positive, and I am pleased to say we will be happy to work with them in conference. I must oppose this amendment because it would gut this entire bipartisan compromise that is now before the Senate.

Consumer product safety has been before the Senate before, and we have not been able to get to this point. We have gotten to this point because Senator PRYOR, Senator INOUYE, Senator COLLINS, myself, and others have worked together to bring to the Senate a bill that has positive safety provisions that are not currently in the House bill. I urge my colleagues to vote no on this amendment because what we have done in this bill will provide some very positive changes that I believe the House will be willing to accept in conference. The difficulty is this amendment would not include those additional protections. We would have to go back and start all over again in the legislative process to address the additional provisions we have added to this bill.

I believe we can get through the amendment process in the next couple of days, and it is my hope we can go to conference and this bill will be sent to the President as soon as possible. I believe the country is ready for a change and a reemphasis on consumer product safety, particularly as it relates to children.

I am the father of 6 children, grandfather of 11, and I hope to have more—at least grandchildren. That is supposed to be funny. I think we ought to be able to take this compromise bill to conference, and I welcome that. I promise I will confer with my colleague with regard to the changes we might make in conference, but this is not the time to end this bipartisan process.

If there is one thing the Senate needs, the one thing Congress needs, it needs bipartisanship to move forward on the business we should act on during this Congress. This is a product of that, the product of a long, hard conference on a bipartisan basis.

I urge my colleagues to vote no on this amendment. It is my hope the Senate will allow us to go to conference on the bill on which we worked so hard.

I thank the Senator for his courtesy.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I agree with a number of points the Senator from Alaska just said, particularly the importance of working in a bipartisan fashion on a bill as important as consumer product safety. That is exactly what I am proposing with this amendment because this is something that not only had bipartisan support in the House, it had unanimous support in the House.

The Senator from Alaska also mentioned the importance of moving quickly. He suggested that my amendment might actually slow this bill down. In fact, the opposite is true. If we were to adopt this amendment, the consumer product safety bill could go to the President tonight. This is a bill that has been thoroughly vetted and includes a lot of good provisions about which I would like to speak. But even my colleagues who would like to vote for the final Senate bill—I don't know whether my amendment will be adopted or not tonight—can still vote for the Senate bill even if they vote for the House bill.

Voting for this amendment is voting for a good, clean, bipartisan consumer product safety bill that we might not have at the end of this process. As all of us know, the longer this debate goes on, the more nongermane amendments will be added to the bill, and the possibility of this bill being passed and going to conference and actually coming out with a bill we can all support—we don't know what the odds of that are. But we do know if we pass the House version of the bill tonight, we will have a new consumer product safety bill that does a number of the things all of us want. I will mention a few of those.

One of the items we talked about is not just to count on companies to test their own product safety but to have a third-party testing, particularly of children's products, for lead and other hazards. The House bill sets that up.

We also require manufacturers to put distinguishing marks on their products so that in the event of a recall, we would know how to identify the products that are out in the marketplace that need to come back. Consumers would know which ones are safe and which ones are not.

It also replaces the aging testing labs the Commission uses now and installs a state-of-the-art testing system that will help us determine more quickly which products are safe and those that are not.

We create a new system of advising the public when we have found a safety problem through using the Internet, radio, and television, and we preserve the strong relationship between industry and the Consumer Product Safety Commission, so we get the information from them on a constant basis if there are any safety problems or even improvements in safety in different product categories. And we restore the full panel of Commissioners to the Commission, which is not in place right now.

The House bill had support from a total range of Members. From the most conservative Republican to the most liberal Democrat, they agreed to come together without further delay and pass a bill that we need.

The groups from the outside that look at these issues, particularly the manufacturer groups, such as the National Association of Manufacturers and the Chamber of Commerce, that represent millions of jobs across this country—and that is really what we

are talking about here. The Senate bill would actually put an additional burden on American-based manufacturers that our foreign competitors do not have. If there is one thing we do not need to do as a Congress, it is to make it even more difficult to do business in this country, to put our workers at a further disadvantage to workers from overseas by adding an unnecessary burden to this consumer product safety bill, provisions that do not necessarily improve safety but do make it increasingly difficult to be competitive as an American manufacturer. We need not do that.

The Senate bill has some problems, and we have a number of amendments we can add. Right now, my amendment has the support of the National Association of Manufacturers, chamber groups; business journals, such as the Wall Street Journal, are supportive of this amendment, and they are not supportive of the Senate version, frankly.

So we have a better alternative tonight. I encourage my colleagues to set aside partisanship, to set aside maybe particular special interests we may want to do some favors for in the Senate bill. The House set that aside, and they did the right thing. That is really what I am encouraging my colleagues to do tonight: Do the right thing.

This is not a bill I created. This is a bill which is supported by Speaker NANCY PELOSI and Chairman DINGELL, as well as the Republicans on the House side. We probably will not have another opportunity this year as a Senate to vote for a bill that has unanimous support in the House. Yet we have it on the floor tonight. I encourage my colleagues: Do the right thing. Let's practice what we preach for once and be bipartisan and support an amendment that will get a consumer product safety bill to the President right away so we can start the implementation process.

Mr. President, I appreciate the time. I know my colleague, the chairman, wishes to speak before the vote. I yield the remainder of my time. He can have the rest of that time. I yield back my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Senator from South Carolina for his gracious allotment of time and tell him how much I appreciate his spirit of cooperation and trying to come together and find as much common ground as we can on not just his amendment that is pending but other amendments and other matters. He has been a true gentleman in how he has conducted himself, and I appreciate that.

I wish to say a few words about the DeMint amendment. Really, all the DeMint amendment does is it cedes us to the House version of the bill. It is significantly different. As I said before, the House, during their process, basically took about half, maybe a little more of the Senate committee bill and basically cut and pasted it into their legislation. So we have a little bit of, I guess you can say pride of authorship in the House version. There are a lot of good provisions in the bill.

The House version is different in several material ways. I went through some of those before, but let me touch on about 8 or 10 more items right now. And I can do this very quickly.

First, the Senate bill gives a financial responsibility in the sense that it requires, under certain circumstances, manufacturers to put funds in escrow or to get insurance in the event of a recall. It is not automatic, but it allows the CPSC to do that under cases that might warrant that action. The DeMint amendment takes that away.

The Senate bill has a specific provision on portable gasoline containers and makes it clear that there will be a national standard. Again, the DeMint amendment takes that away.

The Senate bill has several provisions on all-terrain vehicle safety. It sets a national standard. It sets all kinds of benchmarks that need to be met, and it makes the Federal law very clear about ATV safety standards in this country. Unfortunately, the DeMint amendment takes that away.

The Senate bill also contains a garage door opener standard. We all know how dangerous garage door openers can be. They do not have to be. There is technology available. We set a national standard which is a good belt-and-suspenders type of standard. Again, we are talking about garage doors that have a track record of causing injury, in some cases death, not just to children but mostly to children. The DeMint amendment takes that standard away.

The Senate bill also contains a provision on carbon monoxide poisoning, specifically with generators. Again, this has been a problem, not just with Katrina and Rita and other situations such as those but just generally for people who use these generators in various contexts. There has been a carbon monoxide poisoning problem. The Senate bill takes care of that problem. Unfortunately, the DeMint amendment takes that away.

The completion of a cigarette lighter rulemaking is something that has been pending with the CPSC for quite some time. We clarify that there will be a national standard. We set that standard. We pretty much tell the CPSC what needs to happen with this issue. Unfortunately, the DeMint amendment takes that away.

The last point I want to make—there are several other points I could make, but the last one I want to mention is under certain circumstances, the Senate bill provides for the destruction of imported products that violate our safety standards. This is important because if we do not destroy those products, somehow, some way, oftentimes they end up in the U.S. market even though they are not supposed to, but also we see the dumping of these products in Third World countries. If we do not take a principled stand on this issue, we are just going to be dumping our problems on other countries. Unfortunately, the DeMint amendment takes that away.

I am certainly not critical of Senator DEMINT or critical of the House. The House came together in a bipartisan way. The bottom line is, we just have a stronger bill in the Senate. It is a bill of which we can be proud. It is a bill people in our home States would love to see us pass. I tell you, most people in Arkansas, most people around the country in the other 49 States probably could not tell you what CPSC stands for, but they could tell you they want stronger and tougher protections when it comes to imported products. They want to make sure someone is watching to make sure the toys they buy for their children and grandchildren are safe. They want to make sure that someone in the Federal Government is watching to make sure products, such as lighters, are safe and products as simple as gasoline cans are safe and that when you use a portable generator, you do not get carbon monoxide poisoning. People in our country expect those kinds of standards, and that is exactly what the Senate bill does. It is good not just for the CPSC, but it is good for this country.

As I have said before, we have several specific differences I have just articulated, differences between the House version and the DeMint amendment, which is basically the House version. The bottom line is, the Senate bill has more transparency, more enforcement, and more comprehensive reform. This bill is something of which we can all be proud. Not that we go home and brag to people in our home States about getting something right up here, but this will give every Senator in this Chamber an opportunity to go to their home State and talk about something good the Senate is doing for this country, something that is nonpolitical, something that is bipartisan, something that is good public policy, and that is the Senate bill.

Again, the House bill is good. It is OK. It is an improvement over current law. I do not have any criticism of our House colleagues for doing what they did, I really do not, especially considering that about half of that bill is really the Senate committee bill. Regardless of that, I do not have any criticism of them, and I do not want anything I have said to be interpreted as criticism. But the Senate bill is stronger, it is better, it is more comprehensive, it is better for the American people, and I think it will, over time, lessen the amount of litigation, and I think over time you will see fewer recalls and you will see consumer confidence in products they buy go up.

Overall, this is a very good bill for the people of this country. I encourage my colleagues to vote no on the DeMint amendment, and on final passage of the Senate bill, whenever that happens—tomorrow or the next day—I

encourage all my colleagues to vote yes.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I move to table the DeMint amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—57

Akaka	Hagel	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Stevens
Dorgan	McCaskill	Tester
Durbin	Menendez	Warner
Feingold	Mikulski	Webb
Feinstein	Murkowski	Whitehouse
Grassley	Murray	Wyden

NAYS—39

Alexander	Cornyn	Isakson
Allard	Craig	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	Martinez
Bond	Dole	McConnell
Brownback	Domenici	Roberts
Bunning	Ensign	Sessions
Burr	Enzi	Shelby
Chambliss	Graham	Sununu
Coburn	Gregg	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Voinovich
Corker	Inhofe	Wicker

NOT VOTING—4

Byrd	McCain
Clinton	Obama

The motion was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. ENSIGN. Mr. President, on rollcall vote No. 37, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. I ask unanimous consent to speak as in morning business.

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

MOTOR COACH SAFETY

Mr. BROWN. Mr. President, last Sunday marked the 1-year anniversary of a tragic bus crash outside Atlanta, GA, which was transporting members of the Bluffton University baseball team from my State of Ohio to play baseball in Florida. The crash took the lives of Tyler Williams and Cody Holp, Scott Harmon, Zack Arend, and David Joseph Betts. The driver, Jerome Niemeyer, and his wife Jean were also killed in the crash. Most of the other 33 passengers were treated for injuries.

While the investigation into the cause of the crash is ongoing, one thing is clear: Stronger safety regulations could have minimized the fatalities and injuries resulting from the crash.

John Betts, who lost his son in this accident, sees upgrading the safety laws for motor coaches as an opportunity to save the lives of future riders. One year ago, Mr. Betts made a promise to his late son. He promised to dedicate himself to motor coach safety. Thus, through this tragedy, a movement began to adopt commonsense safety regulations that lower the risk of injury or fatality in accidents. Mr. Betts launched a Web site to educate the public about motor coach safety. He agrees to do regular interviews so he can use his own heartbreaking experience to gain momentum for his cause.

Mr. Betts visits his son's grave twice a day. Of his visit the other day, he said:

> I just asked him to give me strength, give me wisdom, give me the words to keep fighting to make sure something good comes from something so bad.

Last fall, Senator KAY BAILEY HUTCHISON of Texas and I joined this effort, introducing the Motor Coach Enhanced Safety Act. This bill, which has the support of Mr. Betts and countless safety advocates, would codify recommendations from the National Transportation Safety Board. It surprised me—and it will surprise my colleagues—that the safety improvements in this bill are not already standard safety practice. They include such basic and logical safety measures as the use of seatbelts and fire extinguishers. These are not new technologies. These are safety features widely used in other transportation equipment. They are commonsense. They save lives. They should be a given, not some distant goal.

Many of the injuries sustained in motor coaches could be prevented by incorporating high-quality safety technologies that exist today but, unfortunately, are not widely used, such as crush-proof roofing and glazed windows to prevent ejection.

Unfortunately, the Bluffton University baseball team's bus crash was not an isolated incident. Senator HUTCHISON quickly pointed to the many accidents in Texas while this bill was being drafted, such as the crash involving the Westbrook High School girl's soccer team in 2006.

As a father of four and recently a grandfather, it upsets me to know motor coaches are such unregulated vehicles that our kids don't have the option to buckle up. The tragedy of these and other motor coach accidents has created motivation and hope in Mr. Betts and others for increased safety in this industry in the future. It is our job to take that motivation and that hope and turn them into action.

I urge my colleagues to consider the Motor Coach Enhancement Safety Act. Passage of this bill would undoubtedly mean saved lives in the future. It is my hope in the future parents will not have to endure the anguish and the rest-of-his-life grief that John Betts and other families' members have experienced.

For those who suffered from the tragedy in Atlanta of the Bluffton baseball team on March 2, 2007, I offer my thoughts and prayers.

Mr. COCHRAN. I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

AIR FORCE AERIAL REFUELING TANKER SELECTION

Mr. COCHRAN. Mr. President, I was pleased to learn last week that the Air Force had made a selection for the development and procurement of its new aerial refueling tanker fleet. I am told that the replacement of the 1950s-era fleet of KC–135s had been the Air Force's No. 1 procurement priority. By the time the last one is replaced, it will be over 80 years old. It is good to see the Air Force move forward to replace these aging aircraft.

GEN Arthur Litche, the commander of Air Mobility Command, whose mission it is to provide rapid global mobility and sustainment for America's Armed Forces, recently said:

> Tanker modernization is vitally important to national security.

I have been told this acquisition selection process is the most documented selection process the U.S. Air Force

has ever conducted. Last Friday, Secretary of the Air Force Michael Wynne said:

Today's announcement is the culmination of years of tireless work and attention to detail by our Acquisition professionals and source selection team, who have been committed to maintaining integrity, providing transparency, and promoting a fair competition for this critical aircraft program.

The Air Force advises us that 25,000 American workers at 230 U.S. companies located in 49 States will support the assembly of these aircraft. The winning proposal was submitted by the team led by Northrup Grumman and includes EADS North America and General Electric Aviation. It was judged to provide the best value for the U.S. Air Force and for the U.S. taxpayer. General Litche said the winning proposal gives the military more passengers, more cargo, more fuel to offload, more availability, more flexibility, and more dependability.

I am pleased to congratulate the winners of the competition, and I look forward to the day when this new aircraft joins the fleet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. 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. PRYOR. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT

Mr. NELSON of Florida. Mr. President, I wish to speak as to why the Consumer Product Safety Commission Reform Act is so desperately needed.

Most parents, and consumers for that matter, will not forget in the past—and it was as recent as this past summer—the huge amount of toy recalls. There were children's jewelry and toys that were covered in lead paint. There were toys with detachable magnets that can cause fatal intestinal obstructions. There were stuffed animals with small parts that can detach and become a choking hazard. There was a children's craft kit containing beads that when swallowed became ingested into the child's digestive system; and what came out of those beads was the same chemical compound, believe it or not, as GHB, which is the date rape drug.

The Laugh & Learn Bunny became a choking hazard. This magnetized building set, as shown on this chart—over 4 million units were sold—those magnets became ingested into the child's digestive track. Thomas the Train, over 1.5 million units were sold, and lo and behold those were painted with lead paint. And then the Barbie accessories—675,000 units of those were sold—had lead paint. And there were other toys. In fact, one of them was some kind of little doll where the nose came off. It was exactly the size that could get into a child's windpipe and cause them to choke to death.

As a matter of fact, one of the children's hospitals in Florida I visited about this very thing gave me a plastic thimble of about the size they said they hand out to the children's parents because they want them to see the size of anything that could detach—if it did from a toy—that is a choking hazard for a child.

So in visiting with this team of emergency room doctors, they showed all these things in real life to me and told me about the invasive surgery that then they had to do on children that was traumatic for a child who is 4 or 5 years old.

Then, I had the very sad duty to visit with a momma and a daddy in Jacksonville, who left two of their children in a room with a disco ball toy. What happened? It became overheated because it was illuminated. It became overheated. It caught fire, and it emitted enough carbon monoxide to kill both the children.

Now, these incidents simply should not be happening. Yet with this bill Senator PRYOR is managing on the floor, we can better ensure American parents do not have to face another summer of recalls.

So this act is going to do a number of things. It would increase the number of professional staff who work at the Consumer Product Safety Commission. It would ensure consumer access to information about these products. It would eliminate lead from children's products. It increases civil penalties for wrongdoers. And it protects employees from retribution who report violations of consumer product safety. This bill also requires the first mandatory standard for toy safety, and it requires third-party testing of toys and other children's products.

What has come to the floor is a combination of different legislation. What this Senator had contributed was S. 1833, the Children's Products Safety Act, which would require third-party testing of products intended for children aged 7 and under. I am very pleased it has been included in this overall package.

There are two provisions that are critical. First, the third-party testing provision ensures that all of those toys and products undergo testing by a third party prior to entering the stream of commerce. Any that did not have the third-party testing would be banned from importation. Now, why is this necessary? Because we were letting the Chinese industry police itself, and it wasn't doing it, and the Government of China wasn't doing the inspecting. So we had the substandard and indeed unsafe toys coming to the American consuming public.

Second, this bill would set the first mandatory safety standards by adopting the ASTM—the international consumer safety specifications for toy safety. That is often referred to as standard F–963. ASTM is a nonprofit standard-setting organization. It is an independent organization that involves the CPSC—the Consumer Product Safety Commission—consumer groups, and the industry in toy standards and the development process. The standards contain 100 other toy safety specifications, including testing for shock points, flammability, toxicity, and noise.

These standards, in their development process, also provide a fast, collaborative process to address these changing conditions. So when the detachable magnet issue arose last year, the ASTM standards development team recognized the seriousness of the issue. They came up with a new magnet safety standard 9 months after the problem was first reported.

Well, under the provisions of the bill, the updates to the ASTM standard will automatically be incorporated into the Federal toy safety standard, unless for some reason the CPSC would determine that it wasn't going to improve the public safety. So as a result, the consumers are going to have the benefit of new toy safety standards immediately after the adoption of this legislation.

Taken together, these provisions will ensure that toys will be tested by a rigorous third-party testing process that is constantly updated to address new and emerging hazards to our children. Third-party testing has been endorsed by a number of consumer groups and a number of the manufacturers that realize we have a problem here. So we need to build a consensus and get this legislation passed.

Last year, over 46 million children's products were recalled—can my colleagues believe that, 46 million recalled—and almost a fifth of those were recalled after a child was seriously injured or killed. It is not enough just to recall these toys; we need to make sure they never enter the stream of commerce in the first place, and this bill provides that safety.

I wish to say there is also something in here about generators, portable generators. If you live in a coastal State such as mine and you get hit by a big hurricane—and especially gasoline stations are learning they need them because people need to be able to drive

their cars and they can't get gasoline—well, in any kind of natural disaster such as that, people really rely on these portable generators to provide electricity. Unfortunately, every year, a number of people are severely injured or killed by the carbon monoxide poisoning that results from improper generator use. They crank this thing up in an enclosed room, and they ultimately are harmed or killed as a result of carbon monoxide.

Section 32 of the CPSC Reform Act requires the CPSC to complete a long-pending rulemaking on portable generator carbon monoxide poisoning within 18 months of the enactment. When this rule is finalized, it is going to require new technologies to stop these tragedies, and it will save lives. It is a wonder that the CPSC hadn't already done this when folks such as myself are articulating what has happened with the deaths in the aftermath of a hurricane and have asked them to do it. Now we are going to bring it to fruition because it is going to be required under this legislation.

I again thank my colleague, Senator PRYOR, who is shepherding this legislation through a tortuous legislative process. I hope all of our colleagues will join in supporting this critical legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum, unless the Senator from Arkansas—it looks as if his eloquent self is rising to speak.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, before my dear colleague from Florida leaves the floor, I would like to acknowledge his work on this legislation. He has been a real go-to guy on these toy issues. In fact, he had filed a bill—before we even filed our bill that became the committee bill, he filed a bill that basically—I don't want to say we took verbatim, but we took large pieces of it and all the concepts of it and incorporated his legislation, and it really became the bedrock piece of the committee bill, which has now been amended and substituted, and now it is the bipartisan bill the Senate is working on. So Senator BILL NELSON of Florida really deserves a lot of credit for helping to get the ball rolling and getting things moving in the right direction.

In fact, we have so many colleagues who have helped in this process, and I will thank them more as the week goes on. But I think of SUSAN COLLINS of Maine, who came in probably, I don't know, several months ago—I don't remember exactly when—and she had a very important role. Of course, Senator STEVENS really worked hard to make this bipartisan. Both of them are Republican cosponsors.

Again, for all of the Senators who are listening, I would love to talk to more Republican Senators about maybe possibly becoming cosponsors in the next day or two because, as we saw from the vote tonight, this bill does have broad-based bipartisan support. I appreciate the effort all of our colleagues have done, but I did want to single out Senator BILL NELSON, who has been so instrumental in moving this forward.

Mr. President, if there is no one else who is planning on speaking, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, it looks as if we are at the close of our business today. Tomorrow, I look forward to returning to the consideration of S. 2663, the Consumer Product Safety Commission Reform Act.

COLLOQUES REGARDING H.R. 6

Mr. LEVIN. Mr. President, I have been asked about the timing of the colloquy that I entered into with Senators INOUYE and FEINSTEIN on December 13, 2007, during consideration of H.R. 6, the Energy Independence and Security Act of 2007.

Immediately prior to the vote on cloture, on the motion to concur with an amendment to the House amendment to the Senate amendment to the text of H.R. 6, I was recognized on the Senate floor and requested and obtained consent ''that a colloquy between myself, Senator Inouye and Senator Feinstein be inserted in the record at this point.''

Agreement among the three of us on the content of that colloquy was critical to both my vote for cloture and my later vote for final passage, as I indicated in my own statement prior to final passage that was submitted later in the day. The colloquy between Senator INOUYE, Senator FEINSTEIN, and me read in its entirety, as follows:

NHTSA REGULATIONS ON FUEL ECONOMY

Mr. LEVIN. Mr. President, I support this bill and, in particular, the provisions that require the Department of Transportation, through the National Highway Traffic Safety Administration, NHTSA, to set new fuel economy standards for vehicles that will reach an industry fleet wide level of 35 miles per gallon by 2020 based on my understanding that these new Federal standards will not be undercut in the future by regulations issued by the Environmental Protection Agency regulating greenhouse gas emissions from vehicles.

I believe that we have taken historic steps in this legislation by putting in place ambitious but achievable fuel economy standards that will reduce our Nation's fuel consumption and greenhouse gas emissions. In this legislation, the Senate and House have come together and established the appropriate level of fuel economy standards and have directed NHTSA to implement that through new regulations. In this legislation, the Congress has agreed that the appropriate level of fuel economy to reach is 35 miles per gallon in 2020, or an increase of 10 miles per gallon in 10 years.

But it is essential to manufacturers that they are able to plan on the 35 miles per gallon standard in 2020. We must resolve now with the sponsors of this legislation in the Senate any ambiguity that could arise in the future when EPA issues new rules to regulate greenhouse gas emissions from vehicles pursuant to its authority under the Clean Air Act so that our manufacturers can have certainty. With that in mind, I want to clarify both Senator Inouye's and Senator Feinstein's understanding and interpretation of what the Congress is doing in this legislation and to clarify their agreement that we want all Federal regulations in this area to be consistent. We do not want to enact this legislation today only to find later that we have not been sufficiently diligent to avoid any conflicts in the future.

The Environmental Protection Agency has authority under the Clean Air Act to regulate greenhouse gas emissions from vehicles and to delegate that authority, as the agency deems appropriate, to the State of California. This authority was recently upheld by the U.S. Supreme Court, and it is not our purpose today to attempt to change that authority or to undercut the decision of the Supreme Court. We simply want to make clear that it is Congressional intent in this bill that, with respect to regulation of greenhouse gas emissions, any future regulations issued by the Environmental Protection Agency to regulate greenhouse gas emissions from vehicles be consistent with the Department of Transportation's new fuel economy regulations that will reach an industry fleet wide level by 35 miles per gallon by 2020.

Does the Senator from California and original sponsor of this legislation, Mrs. Feinstein, agree with my view that the intent of this language is for EPA regulations on greenhouse gas emissions from vehicles to be consistent with the direction of Congress in this 35 miles per gallon in 2020 legislation and consistent with regulations issued by the Department of Transportation to implement this legislation?

Mrs. FEINSTEIN. Yes, of course, we have worked hard to come together on this legislation directing NHTSA to issue new fuel economy regulations to reach an industry fleet wide level of 35 miles per gallon by 2020, and it is our intent in the bill before us that all Federal regulations in this area be consistent with our 35 miles per gallon in 2020 language.

Mr. LEVIN. I thank the Senator for her clarification of her intent.

Does the chairman of the Commerce Committee, the distinguished Senator from Hawaii, Mr. Inouye, agree with my understanding of the intent of this bill that any regulations issued by the Environmental Protection Agency be consistent with the direction of Congress in this legislation and regulations issued by the Department of Transportation to implement this legislation?

Mr. INOUYE. Yes. I agree that it is very important that all Federal regulations in this area be consistent and that we provide clear direction to the agency that has responsibility for setting fuel economy standards, the Department of Transportation.

Mr. LEVIN. I thank my distinguished colleague from Hawaii, Mr. Inouye, for his clarification.

With the colloquy accepted and placed in the CONGRESSIONAL RECORD, I voted to invoke cloture. Sometime after the vote on cloture, later in the day, a separate colloquy between Senator FEINSTEIN and Senator INOUYE was inserted in the CONGRESSIONAL RECORD. It was placed in the RECORD immediately following the Levin-Feinstein-

Inouye colloquy, quoted above, although it was, in fact, presented for inclusion in the RECORD at a later point in the day, as noted by Senator INOUYE in the second sentence of the Inouye-Feinstein colloquy. Their colloquy reads as follows:

AGENCY MANAGEMENT

Mr. INOUYE. Mr. President, I have worked for many months with the Senior Senator from California and the original sponsor of this legislation, Mrs. Feinstein, to draft a sound policy to increase fuel economy standards in our country. I stated earlier today that ''all Federal regulations in this area be consistent.'' I wholly agree with that notion, in that these agencies have two different missions. The Department of Transportation has the responsibility for regulating fuel economy, and should enforce the Ten-in-Ten Fuel Economy Act fully and vigorously to save oil in the automobile fleet. The Environmental Protection Agency has the responsibility to protect public health. These two missions can and should co-exist without one undermining the other. There are numerous examples in the executive branch where two or more agencies share responsibility over a particular issue. The Federal Trade Commission and the Federal Communications Commission both oversee telemarketing practices and the Do-Not-Call list.

The FTC also shares jurisdiction over antitrust enforcement with the Department of Justice. Under the current CAFE system, the Department of Transportation and the Environmental Protection Agency work together. DOT enforces the CAFE standards, and the EPA tests vehicles for compliance and fuel economy labels on cars. The President himself foresaw these agencies working together and issued an Executive Order on May 14, 2007, to coordinate the agencies on reducing automotive greenhouse gas emissions. The DOT and the EPA have separate missions that should be executed fully and responsibly. I believe it is important that we ensure that the agencies are properly managed by the executive branch, as has been done with several agencies with shared jurisdiction for decades. I plan on holding hearings next session to examine this issue fully.

Mrs. FEINSTEIN. I would like to thank the chairman of the Commerce Committee, and I would like to clarify what I believe to be the intent of the legislation I sponsored to increase fuel economy standards in the United States.

The legislation increasing the fuel economy standards of vehicles by 10 miles per gallon over 10 years does not impact the authority to regulate tailpipe emissions of the EPA, California, or other States, under the Clean Air Act.

The intent was to give NHTSA the ability to regulate fuel efficiency standards of vehicles, and increase the fleetwide average to at least 35 miles per gallon by 2020.

There was no intent in any way, shape, or form to negatively affect, or otherwise restrain, California or any other State's existing or future tailpipe emissions laws, or any future EPA authority on tailpipe emissions.

The two issues are separate and distinct.

As the Supreme Court correctly observed in Massachusetts v. EPA, the fact ''that DOT sets mileage standards in no way licenses EPA to shirk its environmental responsibilities. EPA has been charged with protecting the public's health and welfare, a statutory obligation wholly independent of DOT's mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.''

I agree with the Supreme Court's view of consistency. There is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.

The U.S. District Court for the Eastern District of California in Central Valley Chrysler-Jeep v. Goldstone has reiterated this point in finding that if approved by EPA, California's standards are not preempted by the Energy Policy Conservation Act.

Title I of the Energy Security and Independence Act of 2007, H.R. 6, provides clear direction to the Department of Transportation, in consultation with the Department of Energy and the Environmental Protection Agency, to raise fuel economy standards.

By taking this action, Congress is continuing DOT's existing authority to set vehicle fuel economy standards. Importantly, the separate authority and responsibility of the U.S. Environmental Protection Agency to regulate vehicle greenhouse gas emissions under the Clean Air Act is in no manner affected by this legislation as plainly provided for in section 3 of the bill addressing the relationship of H.R. 6 to other laws.

I fought for section 3. I have resisted all efforts to add legislative language requiring ''harmonization'' of these EPA and NHTSA standards. This language could have required that EPA standards adopted under section 202 of the Clean Air Act reduce only the air pollution emissions that would already result from NHTSA fuel economy standards, effectively making the NHTSA fuel economy standards a national ceiling for the reduction of pollution. Our legislation does not establish a NHTSA ceiling. It does not mention the Clean Air Act, so we certainly do not intend to strip EPA of its wholly separate mandate to protect the public health and welfare from air pollution.

To be clear, Federal standards can avoid inconsistency according to the Supreme Court, while still fulfilling their separate mandates.

NATIONAL SPORTSMANSHIP DAY

Mr. REED. Mr. President, today marks the 18th annual National Sportsmanship Day. This initiative, the largest of its kind in the world, is a program of the Institute for International Sport based at the University of Rhode Island. Since 1991, the program has promoted the highest ideals of sportsmanship and fair play among not only the young people of Rhode Island but also among youth in every other State and, indeed, around the world. This year alone over 7 million children in more than 14,000 schools throughout the United States and countries as diverse as Ghana, Nigeria, India, Australia, and Bermuda, will celebrate National Sportsmanship Day.

Our appreciation of sports is deep-rooted. The ancient Greeks, for example, recognized ''a sound mind in a sound body'' as the foundation of a good education. But a complete individual not only develops the mind and body, he or she also develops and exhibits fairness and honesty, key elements of sportsmanship.

This year, Jackie Joyner-Kersee, the famed Olympic Gold medalist, serves as chair of the National Sportsmanship Day program. She and the program's founder, Dan Doyle, remain committed to the goal of making sports a more positive force in society. They hope to achieve their objective by focusing this year on improving parental involvement in athletics, encouraging parents to be good sports on the sidelines so they can be good models of ethical behavior for their children.

I am proud that Rhode Island is the home base of this program, and I hope it enjoys continued success.

TRIBUTE TO JOHNNIE CARR

Mr. SESSIONS. Mr. President, it is with sadness that today I note the loss of a great American and a hero of the civil rights movement, Mrs. Johnnie Carr.

Mrs. Carr passed away in Montgomery on February 22, 2008, at the age of 97, but her lifelong struggle for equality in America will be an inspiration for many years to come.

I had the great privilege to know Mrs. Carr personally. I was always struck by her deep faith and commitment to improving our State. She was an independent thinker, and her remarkable strength served her well as a leader.

Mrs. Carr lived all her life in Montgomery, where she was a foot soldier in the fight for equality. She was a founding member of the Montgomery Improvement Association, an organization that proved instrumental in the important civil rights events in Alabama during the 1950s and 1960s.

Carr was the schoolmate, friend, and partner of Rosa Parks, who was the recipient of the Congressional Gold Medal and who was honored, 2 years ago, by having her body lie in honor in the Rotunda of the U.S. Capitol.

Fred Gray, lawyer for Dr. Martin Luther King, Jr., and author of ''Bus Ride to Justice,'' a valuable history of the civil rights movement in Alabama, points out that Johnnie Carr was one of the organizers of the bus protest. Gray eloquently notes that her boycott ''Set in motion the modern civil rights movement and gave birth to a world leader, Dr. Martin Luther King, Jr., a future Nobel Peace Prize Laureate.'' That protest succeeded as a result of unified African-American community leaders like Johnnie Carr.

Later, in 1964, Carr became the lead plaintiff in the historic school desegregation case, Carr v. the Montgomery Board of Education, a victory for color-blind public education and one of many important cases heard by U.S. District Judge Frank M. Johnson. Indeed, this case was the first time that the U.S. Supreme Court approved ''quotas, goals, and time-tables'' as corrections for past discrimination, Gray writes.

She committed her entire life to equality and her faith, which provided her the courage to make a difference.

It is fitting that Mrs. Carr followed Dr. King as president of the Montgomery Improvement Association. For more than four decades she led campaigns to promote voter registration and integrate public facilities.

Always a strong leader, Mrs. Carr promoted cooperation and consensus during a difficult period in our Nation's history. She reached across racial lines to promote positive change for Alabama, serving as both an active member of Hall Street Baptist Church and as a missionary for the Montgomery Antioch District.

Many individuals and organizations have recognized Mrs. Carr's long history of leadership and advocacy. It is a privilege to lend my voice to the choir of those who have honored the spirit and dedication of this American hero. She left a lasting legacy in this country that will not soon be forgotten.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY AND SANCTIONS WITH RESPECT TO THOSE PERSONS WHOSE ACTIONS UNDERMINE THE DEMOCRATIC PROCESSES OR INSTITUTIONS OF ZIMBABWE—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 4, 2008*.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 4, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2272. A bill 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.

S. 2478. A bill to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''.

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. INOUYE (for himself and Mr. STEVENS):

S. 2688. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mr. BAYH, and Mr. NELSON of Florida):

S. 2689. A bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions; to the Committee on Armed Services.

By Mr. BROWNBACK:

S. 2690. A bill to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans; to the Committee on Veterans' Affairs.

By Mr. BOND:

S. 2691. A bill to amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to provide enhanced agricultural input into Federal rulemakings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2692. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $4,600,000 for the construction of an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2693. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $3,150,000 for additions and alterations to a Flight Simulator Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2694. A bill to authorize to be appropriated to the Defense Logistics Agency for fiscal year 2009 $14,400,000 to replace fuel storage tanks at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2695. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $1,050,000 for additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2696. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $14,500,000 for the alteration of a hangar at Holloman Air Force Base, New Mexico, for the construction of a Low Observable Composite Repair Facility; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2697. A bill to authorize to be appropriated to the Special Operations Command for fiscal year 2009 $18,100,000 for the construction of a Special Operations Force Maintenance Hangar at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2698. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $2,150,000 for additions and alterations to a Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself and Mrs. BOXER):

S. 2699. A bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 2700. A bill to amend the Oil Pollution Act of 1990 to double liability limits for single-hull tankers and tank barges for 2009, and for other purposes; to the Committee on Environment and Public Works.

By Mr. NELSON of Nebraska:

S. 2701. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery in the eastern Nebraska region to serve veterans in the eastern Nebraska and western Iowa regions; to the Committee on Veterans' Affairs.

By Mr. SALAZAR (for himself and Ms. SNOWE):

S. 2702. A bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER:

S. Res. 469. A resolution providing for a protocol for nonpartisan confirmation of judicial nominees; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. HAGEL):

S. Res. 470. A resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan; to the Committee on Foreign Relations.

By Mr. ISAKSON (for himself, Mrs. MURRAY, and Ms. KLOBUCHAR):

S. Res. 471. A resolution designating March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day''; considered and agreed to.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. STEVENS, Mr. VOINOVICH, Mr. CARPER, Mr. COLEMAN, Mr. DOMENICI, Mr. WARNER, and Mr. SUNUNU):

S. Res. 472. A resolution commending the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers nationwide for their dedicated service in protecting the people of the United States and the Nation from acts of terrorism, natural disasters, and other large-scale emergencies; considered and agreed to.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 772

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2002

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2060

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2060, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 2099

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Montana (Mr. TESTER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2161

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2419

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2419, a bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

S. 2544

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S. 2580

At the request of Mr. BROWN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2606

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2643

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2643, a bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units.

S. 2663

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 2663, 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. 2668

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2678

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2678, a bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President.

S. RES. 390

At the request of Mr. KOHL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

S. RES. 445

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 445, a resolution expressing the sense of the Senate on the assassination of former Prime Minister of Pakistan Benazir Bhutto, and the political crisis in Pakistan.

S. RES. 455

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 455, a resolution calling for peace in Darfur.

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 455, supra.

S. RES. 459

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 459, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit, and for other purposes.

AMENDMENT NO. 4085

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 4085 intended to

be proposed to S. 2663, 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2688. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Commercial Seafood Consumer Protection Act. I am joined by Senator STEVENS, the Vice Chairman of the Senate Commerce, Science, and Transportation Committee. I thank him for his work on this important issue.

The average American eats approximately 16 pounds of fish and shellfish each year. Given this fact, it is essential that Americans have confidence in the safety and quality of the seafood they consume. Yet just last year, Americans faced news reports of tainted seafood imports reaching their kitchen tables. The Commercial Seafood Consumer Protection Act will help prevent such contaminated seafood from ever reaching the mouths of consumers.

The Commercial Seafood Consumer Protection Act would work to ensure that commercially distributed seafood in the United States is fit for human consumption by strengthening the National Oceanic and Atmospheric Administration's, NOAA, fee-for-service seafood inspection program, SIP. Specifically, the bill would increase the number and capacity of NOAA laboratories that are involved with the SIP under the National Marine Fisheries Service.

The bill would further direct the Secretary of Commerce and the Secretary of Health and Human Services to work together to create an infrastructure that provides a better system for importing safe seafood. This new system would provide a means to inspect foreign facilities, and examine and test imported seafood. It would also provide technical assistance and training to foreign facilities and governments. Additionally, it would also expedite seafood imports from countries that consistently maintain high standards.

The Commercial Seafood Consumer Protection Act is a strong step in protecting the safety and quality of the seafood products Americans consume.

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. 2688

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 ''Commercial Seafood Consumer Protection Act''.

SEC. 2. SEAFOOD SAFETY.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

SEC. 3. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

SEC. 4. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this Act to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this Act and as provided for in appropriations Acts.

SEC. 5. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines, on the basis of reliable evidence, that shipments of such seafood or seafood products is not likely to meet the requirements of Federal law.

(b) INCREASED TESTING.—If the Secretary determines, on the basis of reliable evidence that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section 3, then the Secretary shall order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) RELIABLE EVIDENCE DEFINED.—In this section, the term ''reliable evidence'' includes—

(1) the detection of failure to meet Federal law requirements under subsection (a) by the Secretary;

(2) the detection of all seafood products that fail to meet Federal law requirements by an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)) or a laboratory certified under subsection (c);

(3) findings from an inspection team formed under section 6; or

(4) the detection by other importing countries of non-compliance of shipments of seafood or seafood products that originate from the exporting country or exporter.

(f) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. 6. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess whether any prohibited drug, practice, or process is being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood. The inspection team shall prepare a report for the Secretary with its findings. The Secretary of Commerce shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary of Commerce shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register. A country may offer a rebuttal to the assessment within 90 days after publication of the report.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this Act, $15,000,000.

By Mr. BOND:

S. 2691. A bill to amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to provide enhanced agricultural input into Federal rulemakings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. Mr. President, I rise today to introduce a bill that I call the Farm Red Tape Reduction Act.

This act will give farmers a voice in Federal rulemakings whenever a new Federal regulation threatens to impose severe economic pain on farmers.

As we saw with small businesses, many times the Government overlooks the plight of the little guy, who does not have the resources or know-how to weigh-in with big Government agencies in Washington. In 1976, Congress created the Office of Advocacy to ensure that small businesses have an advocate in Government and a seat at the table when new regulations affecting them are drafted. I want to share that same success now with farmers.

The idea is simple. This act would help provide a more transparent Government that listens to the people most affected by the regulations. It will hold the Government more accountable for its actions. It is a message that the Federal Government is meant to serve to its citizens, not bully them. We want to make this an easy process. Citizens should be heard while the Government is deciding on a regulation that affects them—not after the decision is made. The difference is subtle, but important. Listen to farmers and agriculture first—be inclusive.

Cutting unnecessary red tape will provide greater flexibility for agriculture businesses by removing barriers to enterprise. Encouraging enterprise is essential if the United States is to compete in a global environment.

Farms and other agricultural businesses will benefit from simplified rules.

This measure will help in cutting red tape with a view to improving the environment for agricultural business. My experience on the Small Business Committee tells me that there are currently dozens of regulatory proposals before Federal agencies—but most without a true assessment of impact on the very people they will most affect.

The question we must ask ourselves is this: Are all these initiatives necessary and what are the consequences? I want agencies to look into this question. The best way to do that is to hear from the folks most affected.

The Office of Advocacy celebrated its 30th anniversary this year. The Regulatory Flexibility Act, RFA, is 27 years old and the Small Business Regulatory Enforcement Fairness Act, SBREFA, is 11 years old.

The common theme: They have all gone a long way in making agencies aware of the unique concerns of small business. With the passage of these laws small business concerns were given a voice at the table, they have been putting that voice to use ever since—with great success.

These laws have been successful. Early intervention and improved compliance have led to less burdensome regulations. For example, in fiscal year 2001, involvement in agency rulemakings helped save small businesses an estimated $4.4 billion in new regulatory compliance costs.

Similarly, in fiscal year 2002, efforts to improve agency compliance with the RFA on behalf of small entities secured more than $21 billion in first-year cost savings, with an additional $10 billion in annually recurring cost savings. Most recently, in fiscal year 2003, they achieved more than $6.3 billion in regulatory cost savings and more than $5.7 billion in recurring annual savings on behalf of small entities.

If we can add farmers to the table and save them any portion of that kind of money—just that fact will make this bill a success.

Just as important is that these laws have not hindered the development of regulations. In fact, these laws are credited with helping regulators come up with better plans. Plans that work—because the people who will be regulated are involved in the development of the rules. This gives them some ownership and that makes successful compliance and implementation.

Our economy and the lives of farmers is constantly changing—this is due in no small part to what we are doing today—making changes to farm legislation, new technologies, new trade deals, new regulations of every kind being implemented year round. This creates new and constant challenges for analyzing regulatory impacts on farmers. If there was ever a time farmers needed a voice at the table when new regulations are made—it is now.

It is not my intention to throw out regulations simply as a matter of principle if, for example, they involve costs for businesses. I am more concerned with obtaining solid impact analyses that can serve as a basis for informed decision-making.

It is also quite clear that better regulations will be possible only if those affected also play their part, since it is they who will be responsible for implementation.

What I have heard from some who oppose this, is that they are concerned about the burden of red tape. However, they are not concerned about the burden of red tape on farmers. They are concerned about the burden of red tape on Washington regulators working to impose red tape on farmers.

Surely the Senate should be more concerned with red tape on our farmers than red tape on our Washington regulators. We should have a rulemaking advocate for farmers just as we have one at Small Business Administration for small businesses. Advocates do not have the power to change standards or stop regulations, only inform them. We should all support a more informed process so burdens are reduced and regulations are more effective and widely supported. We all know what having a USDA rulemaking advocate means in Washington; there will still be 20 officials from other agencies in the room working to regulate farmers. But now, there may be one from USDA also in the room.

This bill has received support from the American Farm Bureau Federation, the National Council of Farmer Cooperatives, the National Cotton Council, the American Soybean Association, National Milk Producers Federation, South East Dairy Farmers Association, National Association of Wheat Growers, USA Rice Federation, Western United Dairymen, and the National Pork Producers Council.

I ask my colleagues to support this bill and join me in helping farmers and agricultural business reduce unnecessary bureaucratic red tape by including them at the table.

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. 2691

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 ''Farmer Red Tape Reduction Act of 2008''.

SEC. 2. AGRICULTURAL REGULATORY FLEXIBILITY.

The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6901 et seq.) is amended by adding at the end the following:

''TITLE IV—AGRICULTURAL REGULATORY FLEXIBILITY

''SEC. 401. DEFINITIONS.

''In this title:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) AGRICULTURAL ENTITY.—The term 'agricultural entity' means any person or entity that has income derived from—

''(A) farming, ranching, or forestry operations;

''(B) the production of crops, livestock, or unfinished raw forestry products;

''(C) the sale (including the sale of easements and development rights) of farm, ranch, or forest products, including water or hunting rights;

''(D) the sale of equipment to conduct farming, ranching, or forestry operations;

''(E) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(F) the provision of production inputs or services to farmers, ranchers, or foresters;

''(G) the processing (including packing), storing (including shedding), or transporting of farm, ranch, or forestry products; or

''(H) the sale of land used for agriculture.

''(3) CHIEF COUNSEL FOR ADVOCACY.—The term 'Chief Counsel for Advocacy' means the Chief Counsel for Advocacy of the Office of Advocacy of the Department of Agriculture appointed under section 413(b).

''(4) COLLECTION OF INFORMATION.—

''(A) IN GENERAL.—The term 'collection of information' means obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States that are to be used for general statistical purposes.

''(B) EXCLUSION.—The term 'collection of information' does not include collection of information described in section 3518(c)(1) of title 44, United States Code.

''(5) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

''(6) RULE.—

''(A) IN GENERAL.—The term 'rule' means any rule for which an agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law.

''(B) INCLUSION.—The term 'rule' includes any rule of general applicability governing Federal grants to State and local governments for which an agency provides an opportunity for notice and public comment.

''(C) EXCLUSIONS.—The term 'rule' does not include a rule of particular applicability relating to—

''(i) rates, wages, corporate or financial structures or reorganizations of the structures, prices, facilities, appliances, services, or allowances; or

''(ii) valuations, costs, accounting, or practices relating to those rates, wages, structures, prices, facilities, appliances, services, or allowances.

''SEC. 402. AGRICULTURAL REGULATORY FLEXIBILITY AGENDA.

''(a) IN GENERAL.—During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda that shall contain—

''(1) a brief description of the subject area of any rule that the agency expects to propose or promulgate that is likely to have a significant economic impact on a substantial number of agricultural entities;

''(2) a summary of—

''(A) the nature of the rule under consideration for each subject area listed in the agenda under paragraph (1);

''(B) the objectives and legal basis for the issuance of the rule; and

''(C) an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

''(3) the name and telephone number of an agency official who is knowledgeable concerning the rule described in paragraph (1).

''(b) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—Each agency shall transmit the agricultural regulatory flexibility agenda of the agency to the Chief Counsel for Advocacy for any comment.

''(c) NOTICE AND COMMENT BY AGRICULTURAL ENTITIES.—Each agency shall, to the maximum extent practicable—

''(1) provide notice of each agricultural regulatory flexibility agenda to agricultural entities or the representatives of agricultural entities through direct notification or publication of the agenda in publications likely to be obtained by the agricultural entities; and

''(2) invite comments on each subject area on the agenda.

''(d) ADMINISTRATION.—Nothing in this section—

''(1) precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda; or

''(2) requires an agency to consider or act on any matter listed in the agenda.

''SEC. 403. INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

''(a) IN GENERAL.—If an agency is required by section 553 of title 5, United States Code, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis of the proposed rule that describes the impact of the proposed rule on agricultural entities.

''(b) PUBLICATION.—The agency shall publish the initial agricultural regulatory flexibility analysis or a summary of the analysis in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule.

''(c) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy for any comment.

''(d) INTERPRETATIVE RULES.—In the case of an interpretative rule that involves the internal revenue laws of the United States, this title applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations only to the extent that the interpretative rule impose on agricultural entities a collection of information requirement.

''(e) CONTENTS.—Each initial agricultural regulatory flexibility analysis of an agency for a proposed rule required under this section shall contain—

''(1) a description of the reasons why action by the agency is being considered;

''(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

''(3) a description of and, if feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

''(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) an identification, to the maximum extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

''(f) ALTERNATIVES.—

''(1) IN GENERAL.—Each initial agricultural regulatory flexibility analysis of an agency for a proposed rule shall contain a description of any significant alternatives to the proposed rule that—

''(A) accomplish the purposes of the applicable law; and

''(B) minimize any significant economic impact of the proposed rule on agricultural entities.

''(2) TYPES OF ALTERNATIVES.—Consistent with the purposes of the applicable law, the analysis shall discuss significant alternatives such as—

''(A) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

''(B) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for agricultural entities;

''(C) the use of performance rather than design standards; and

''(D) an exemption from coverage of the rule, or any part of the rule, for agricultural entities.

''SEC. 404. FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

''(a) IN GENERAL.—If an agency promulgates a final rule under section 553 of title 5, United States Code, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 403(a), the agency shall prepare a final agricultural regulatory flexibility analysis of the final rule that describes the impact of the final rule on agricultural entities.

''(b) CONTENTS.—Each final agricultural regulatory flexibility analysis of an agency for a final rule required under this section shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2)(A) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis;

''(B) a summary of the assessment of the agency of the issues; and

''(C) a statement of any changes made in the proposed rule as a result of the comments;

''(3) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of agricultural entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on agricultural entities consistent with the purposes of applicable law, including a statement of—

''(A) the factual, policy, and legal reasons for selecting the alternative adopted in the final rule; and

''(B) why each 1 of the other significant alternatives to the rule considered by the agency that affect the impact on agricultural entities was rejected.

''(c) PUBLIC AVAILABILITY.—The agency shall—

''(1) make copies of the final agricultural regulatory flexibility analysis available to members of the public; and

''(2) publish in the Federal Register the analysis or a summary of the analysis.

''SEC. 405. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSIS.

''(a) OTHER AGENDA OR ANALYSIS.—An agency may perform the analyses required by section 402, 403, or 404 in conjunction with or as a part of any other agenda or analysis required by any other law if the other analysis meets the requirements of that section.

''(b) NO SIGNIFICANT ECONOMIC IMPACT ON AGRICULTURAL ENTITIES.—

''(1) IN GENERAL.—Sections 403 and 404 shall not apply to a proposed or final rule of an agency if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities.

''(2) PUBLICATION OF CERTIFICATION.—If the head of the agency makes a certification under subsection (a), at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, the agency shall publish in the Federal Register the certification and a statement providing the factual basis for the certification.

''(3) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—The agency shall provide the certification and statement to the Chief Counsel for Advocacy for comment.

''(c) CLOSELY RELATED RULES.—In order to avoid duplicative action, an agency may consider a series of closely related rules as 1 rule for the purposes of sections 402, 403, 404, and 410.

''SEC. 406. EFFECT ON OTHER LAW.

''The requirements of sections 403 and 404 do not alter any standards otherwise applicable by law to agency action.

''SEC. 407. PREPARATION OF ANALYSES.

''In complying with sections 403 and 404, an agency may provide—

''(1) a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule; or

''(2) more general descriptive statements, if quantification is not practicable or reliable.

''SEC. 408. WAIVER OR DELAY OF COMPLETION.

''(a) INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—An agency head may waive or delay the completion of all or part of the requirements of section 403 for a proposed rule by publishing in the Federal Register, not later than the date of publication of the proposed rule, a written finding, with a statements of the reasons for the finding, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with section 403 impracticable.

''(b) FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—

''(1) IN GENERAL.—Except as provided in section 405(b), an agency head may not waive the requirements of section 404 for a final rule.

''(2) DELAYED COMPLETION.—An agency head may delay the date for complying with section 404 for a final rule for a period of not more than 180 days after the date of publication in the Federal Register of the final rule by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with a statement of the reasons for the finding, that the final rule is being promulgated in response to an emergency that makes timely compliance with section 104 impracticable.

''(3) EFFECT OF NONCOMPLIANCE.—If the agency has not prepared a final agricultural regulatory analysis for a final rule pursuant to section 404 within 180 days after the date of publication of the final rule—

''(A) the rule shall lapse and have no effect; and

''(B) the rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

''SEC. 409. COMMENTS.

''(a) DEFINITION OF COVERED AGENCY.—In this section, the term 'covered agency' means—

''(1) the Environmental Protection Agency; and

''(2) the Department of the Interior.

''(b) IN GENERAL.—If a rule is promulgated that will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall ensure that agricultural entities are given an opportunity to participate in the rulemaking for the rule through the use of techniques such as—

''(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

''(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

''(3) the direct notification of interested agricultural entities;

''(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities, including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

''(c) REQUIREMENTS FOR COVERED AGENCIES.—Prior to publication of an initial agricultural regulatory flexibility analysis for a proposed rule that a covered agency is required to conduct under this title—

''(1) the covered agency shall—

''(A) notify the Chief Counsel for Advocacy of the proposed rule; and

''(B) provide the Chief Counsel for Advocacy with information on the potential impact of the proposed rule on agricultural entities;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel for Advocacy shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals on the potential impact of the proposed rule;

''(3) the covered agency shall convene a review panel for the proposed rule consisting of—

''(A) full-time Federal employees of the office within the covered agency responsible for carrying out the proposed rule;

''(B) the Office of Information and Regulatory Affairs of the Office of Management and Budget; and

''(C) the Chief Counsel for Advocacy;

''(4) the panel convened under paragraph (3) for the proposed rule of a covered agency shall—

''(A) review any material the covered agency has prepared in connection with the proposed rule, including any draft proposed rule;

''(B) collect advice and recommendations of each individual agricultural entity representative identified by the covered agency, after consultation with the Chief Counsel for Advocacy, on issues related to paragraphs (3), (4), and (5) of subsection (b), and subsection (c), of section 403(e); and

''(C) not later than 60 days after the date the panel is convened, submit to the covered agency a report on—

''(i) the comments of the agricultural entity representatives; and

''(ii) the findings of the panel on issues related to paragraphs (3), (4), and (5) of subsection (b), and subsection (c), of section 403(e); and

''(5) the covered agency shall—

''(A) make the report provided under paragraph (4)(C) public as part of the rulemaking record; and

''(B) if appropriate, modify—

''(i) the proposed rule;

''(ii) the initial agricultural flexibility analysis; or

''(iii) the decision on whether an initial flexibility analysis is required.

''(d) NO SIGNIFICANT ECONOMIC IMPACT ON AGRICULTURAL ENTITIES.—A covered agency may apply subsection (c) to rules that the covered agency—

''(1) intends to certify under subsection 405(b); but

''(2) believes may have a greater than de minimis impact on a substantial number of agricultural entities.

''(e) WAIVERS.—

''(1) IN GENERAL.—The Chief Counsel for Advocacy, in consultation with the individuals described in subsection (c)(2) and the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, may waive the requirements of paragraphs (3), (4), and (5) of subsection (c) by including in the rulemaking record a written finding, with a statement of the reasons for the finding, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process.

''(2) FACTORS.—In making a determination on a proposed rule of a covered agency under this subsection, the Chief Counsel for Advocacy shall consider—

''(A) in developing the proposed rule, the extent to which the covered agency—

''(i) consulted with individuals representative of affected agricultural entities with respect to the potential impact of the proposed rule; and

''(ii) took those concerns into consideration;

''(B) special circumstances requiring prompt issuance of the rule; and

''(C) whether the requirements of subsection (c) would provide the individuals described in subsection (b)(2) with a competitive advantage relative to other agricultural entities.

''SEC. 410. PERIODIC REVIEW OF RULES.

''(a) PLAN FOR PERIODIC REVIEW OF RULES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency that have or will have a significant economic impact on a substantial number of agricultural entities.

''(2) AMENDMENTS.—The agency may amend the plan by publishing the amendment in the Federal Register.

''(3) PURPOSE OF REVIEW.—The purpose of the review shall be to determine whether the rules should be continued without change, or should be amended or rescinded, consistent with the purposes of applicable law, to minimize any significant economic impact of the rules on a substantial number of agricultural entities.

''(4) TIMETABLE.—Subject to paragraph (5), the plan shall provide for—

''(A) the review of all such agency rules existing on the date of enactment of this title not later than 10 years after that date of enactment; and

''(B) the review of each rule adopted after the date of enactment of this title not later

than 10 years after the date of the publication of the rule as the final rule.

''(5) EXTENSION.—If the head of the agency determines that completion of the review of existing rules is not feasible by the date required under paragraph (4), the head of the agency—

''(A) shall certify the determination in a statement published in the Federal Register; and

''(B) may extend the completion date by 1 year at a time for a total of not more than 5 years.

''(b) FACTORS FOR MINIMIZING IMPACT.—In reviewing rules to minimize any significant economic impact of a rule on a substantial number of agricultural entities in a manner consistent with the purposes of applicable law, the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints or comments received concerning the rule from the public;

''(3) the complexity of the rule;

''(4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the maximum extent feasible, with State and local governmental rules; and

''(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(c) PUBLICATION OF LIST OF RULES.—

''(1) IN GENERAL.—Each year, each agency shall publish in the Federal Register a list of the rules that have a significant economic impact on a substantial number of agricultural entities, which are to be reviewed pursuant to this section during the succeeding 1-year period.

''(2) CONTENT.—The list shall include a brief description of each rule and the need for and legal basis of the rule.

''(3) PUBLIC COMMENTS.—The agency shall invite public comment on the rule.

''SEC. 411. JUDICIAL REVIEW.

''(a) IN GENERAL.—In the case of any rule subject to this title, an agricultural entity that is adversely affected or aggrieved by final agency action may seek judicial review, of agency compliance with—

''(1) sections 404, 405(b), 408(b), and 410, in accordance with chapter 7 of title 5, United States Code; and

''(2) sections 407 and 409(a), in connection with judicial review of section 404.

''(b) JURISDICTION.—Each court having jurisdiction to review a rule for compliance with section 553, United States Code, or under any other provision of law, shall have jurisdiction to review any claim of noncompliance with—

''(1) section 404, 405(b), 108(b), and 110 in accordance with chapter 7 of title 5, United States Code; and

''(2) sections 407 and 409(a), in connection with judicial review of section 404.

''(c) TIMING.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, an agricultural entity may seek review under this section during—

''(A) the 1-year period beginning on the date of final agency action; or

''(B) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of that 1-year, during the period established under the provision of law.

''(2) FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—If an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 408(b), an action for judicial review under this section shall be filed not later than—

''(A) 1 year after the date the analysis is made available to the public; or

''(B) if a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in the provision of law that is after the date the analysis is made available to the public.

''(d) RELIEF.—In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this title and chapter 7 of title 5, United States Code, including—

''(1) remanding the rule to the agency; and

''(2) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

''(e) EFFECTIVE DATE OF RULE.—Nothing in this subsection limits the authority of any court to stay the effective date of any rule or provision of any rule under any other provision of law or to grant any other relief in addition to the relief authorized under this section.

''(f) AGRICULTURAL FLEXIBILITY ANALYSIS.—In an action for the judicial review of a rule, the agricultural flexibility analysis for the rule (including an analysis prepared or corrected pursuant to subsection (d)) shall constitute part of the entire record of agency action in connection with the review.

''(g) SOLE MEANS OF REVIEW.—Compliance or noncompliance by an agency with this title shall be subject to judicial review only in accordance with this section.

''(h) OTHER IMPACT STATEMENTS.—Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of the statement or analysis is otherwise permitted by law.

''SEC. 412. REPORTS AND INTERVENTION RIGHTS.

''(a) MONITORING AND REPORTING.—The Chief Counsel for Advocacy shall—

''(1) monitor agency compliance with this title; and

''(2) report at least annually to the President and to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate on agency compliance with this title.

''(b) INTERVENTION.—

''(1) IN GENERAL.—The Chief Counsel for Advocacy may appear as amicus curiae in any action brought in a court of the United States to review a rule.

''(2) VIEWS.—In any action described in paragraph (1), the Chief Counsel for Advocacy may present the views of the Chief Counsel for Advocacy with respect to—

''(A) compliance with this title;

''(B) the adequacy of the rulemaking record with respect to agricultural entities; and

''(C) the effect of the rule on agricultural entities.

''(3) GRANTING OF APPLICATION.—A court of the United States shall grant the application of the Chief Counsel for Advocacy to appear in any action under this subsection for the purposes described in paragraph (2).

''SEC. 413. OFFICE OF ADVOCACY OF THE DEPARTMENT OF AGRICULTURE.

''(a) ESTABLISHMENT.—There is established within the Department of Agriculture an Office of Advocacy of the Department of Agriculture.

''(b) CHIEF COUNSEL FOR ADVOCACY.—The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be a private citizen appointed by the President, by and with the advice and consent of the Senate.

''(c) PRIMARY FUNCTIONS.—The primary functions of the Office of Advocacy shall be—

''(1)(A) to measure the direct costs and other effects of government regulation on agricultural entities; and

''(B) to make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

''(2)(A) to study the ability of financial markets and institutions to meet agricultural entity credit needs; and

''(B) to determine the impact of government demands for credit on agricultural entities;

''(3)(A) to recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to the full potential of agricultural entities; and

''(B) to ascertain the common reasons, if any, for agricultural entity successes and failures; and

''(4)(A) to evaluate the efforts of each department and agency of the United States, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans;

''(B) to provide statistical information on the use of the programs by the agricultural entities; and

''(C) to make appropriate recommendations to the Secretary and to Congress in order to promote the establishment and growth of those agricultural entities.

''(d) ADDITIONAL DUTIES.—The Office of Advocacy shall—

''(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the President and any other Federal agency that affects agricultural entities;

''(2) counsel agricultural entities on how to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government;

''(3) develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of agricultural entities and communicate the proposals to the appropriate Federal agencies;

''(4) represent the views and interests of agricultural entities before other Federal agencies whose policies and activities may affect agricultural entities; and

''(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating—

''(A) information about the programs and services provided by the Federal Government that are of benefit to agricultural entities; and

''(B) information on how agricultural entities can participate in or make use of the programs and services.''.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2692. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $4,600,000 for the construction of an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs associated with the Air Force's decision to house F–22A Raptors at Holloman Air Force Base.

One of these is an Aerospace Ground Equipment facility to support the F–22 transition and stationing at Holloman. The Department of Defense budgeted

for this item in its fiscal year 09 Defense budget request, and in keeping with that request my legislation authorizes $4.6 million for the construction of the Aerospace Ground Equipment facility.

Holloman Air Force Base is an important asset to our nation, and I am proud to support the base and the airmen stationed there by introducing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2692

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

SECTION 1. CONSTRUCTION OF AEROSPACE GROUND EQUIPMENT FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico, in the amount of $4,600,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,600,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2693. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $3,150,000 for additions and alterations to a Flight Simulator Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs because of a March 2006 decision by the Secretary of Defense to use Holloman Air Force Base as an F-22 Raptor base.

One of these is for additions and alterations to a Flight Simulator facility to support the F-22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $3.15 million for the additions and alterations to the Flight Simulator facility.

Our Air Force fighter wings defend our homeland and support all global combat operations. I am proud to support those airmen, and I look forward to working on this bill and taking other actions to support our military forces.

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. 2693

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

SECTION 1. MODIFICATION OF FLIGHT SIMULATOR FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to the Flight Simulator Facility at Holloman Air Force Base, New Mexico, in the amount of $3,150,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,150,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2694. A bill to authorize to be appropriated to the Defense Logistics Agency for fiscal year 2009 $14,400,000 to replace fuel storage tanks at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Kirtland Air Force Base, New Mexico.

Kirtland Air Force Base serves many roles for the Department of Defense and the U.S. Air Force. The Nuclear Weapons Center, Air Force Research Laboratories, the New Mexico Air National Guard, and a Department of Energy National Nuclear Security Administration national laboratory are some of the many Federal entities doing work at Kirtland. As such, Kirtland's construction needs are many.

Therefore, I am proud to offer this bill to authorize replacement of fuel storage tanks at Kirtland Air Force Base. The President's fiscal year 2009 budget requests $14.4 million for this work, and in keeping with that request my legislation authorizes $14.4 million for the work to replace the fuel storage tanks.

Our armed forces deserve our full support, I am proud to offer my support for the personnel at Kirtland Air Force Base by introducing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2694

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

SECTION 1. REPLACEMENT OF FUEL STORAGE TANKS AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may replace fuel storage tanks at Kirtland Air Force Base, New Mexico, in the amount of $14,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,400,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2695. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $1,050,000 for additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs because of a March 2006 decision by the Secretary of Defense to use Holloman Air Force Base as an F–22 Raptor base.

One of these is for additions and alterations to Aircraft Maintenance Units to support the F–22 transition and stationing, at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $1.05 million for additions and alterations to Aircraft Maintenance Units.

The F–22A is a unique capability, and we must ensure that our airmen have the facilities they need to utilize and care for that capability. I am proud to offer this legislation to fulfill those purposes.

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. 2695

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

SECTION 1. MODIFICATION OF AIRCRAFT MAINTENANCE UNITS, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico, in the amount of $1,050,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,050,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2696. A bill authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $14,500,000 for the alteration of a hangar at Holloman Air Force Base, New Mexico, for the construction of a Low Observable Composite Repair Facility; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Forc Base, New Mexico.

I am proud to offer this bill because with F–22s scheduled to arrive at Holloman in 2009, military construction is needed at the base.

One of those needs is alteration of an existing hangar for construction of a Low Observable Composite Repair Facility to support the F–22 transition

and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $14.5 million for the construction of the Low Observable Composite Repair Facility.

Our Air Force fighter wings are an important part of our global combat operations. I am proud to support our airmen, and I look forward to working on this bill to address some of their construction needs.

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. 2696

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

SECTION 1. CONSTRUCTION OF LOW OBSERVABLE COMPOSITE REPAIR FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may alter a hangar at Holloman Air Force Base, New Mexico, to construct a Low Observable Composite Repair Facility, in the amount of $14,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,500,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN).

S. 2697. A bill to authorize to be appropriated to the Special Operations Command for fiscal year 2009 $18,100,000 for the construction of a Special Operations Force Maintenance Hangar at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Cannon Air Force Base, New Mexico.

I am proud to offer this bill because Cannon has a variety of military construction needs because of a June 2006 decision by the Secretary of Defense to use Cannon Air Force Base as an Air Force Special Operations base.

One of these needs is the construction of a Special Operations Forces Maintenance Hangar. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorized $18.1 million for the construction of a Special Operations Forces Maintenance Hangar.

Our special operations forces are a part of some of the most important missions in the Global War on Terror, and we have more special operations warfighters deployed now than ever before. I am proud to support those soldiers, and I look forward to working on this bill taking other actions to support our special operations forces.

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. 2697

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

SECTION 1. CONSTRUCTION OF SPECIAL OPERATIONS FORCES MAINTENANCE HANGAR AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may construct a Special Operations Forces Maintenance Hangar at Cannon Air Force Base, New Mexico, in the amount of $18,100,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $18,100,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2698. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $2,150,000 for additions and alterations to a Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because there are a number of military construction needs at Holloman as a result of a decision by the Secretary of the Air Force to use Holloman Air Force Base as an F–22 Raptor base.

One of these is a Jet Engine Maintenance Shop to support the F–22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $2.15 million for the construction of the Jet Engine Maintenance Shop.

Mr. President, our airmen are one of the most important assets we have in the Global War on Terror, and they need adequate facilities to do their work. I am proud to offer this legislation to support them in one of their newest missions, flying the F–22A Raptor.

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. 2698

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

SECTION 1. MODIFICATION OF JET ENGINE MAINTENANCE SHOP, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to the Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico, in the amount of $2,150,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,150,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—PROVIDING FOR A PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 469

Whereas judicial nominations have long been the subject of controversy and delay in the United States Senate, particularly over the last twenty years;

Whereas, in the past, the controversy over judicial nominees has occurred regardless of which political parties controlled the White House and the Senate;

Whereas, in the current Congress the controversy over judicial nominees continues;

Now, therefore, be it

Resolved,

SECTION 1. PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES.

(a) TIMETABLES.—

(1) COMMITTEE TIMETABLES.—The Chairman of the Committee on the Judiciary, in collaboration with the Ranking Member, shall—

(A) establish a timetable for hearings for nominees to the United States district courts, courts of appeal, and Supreme Court, to occur within 30 days after the names of such nominees have been submitted to the Senate by the President; and

(B) establish a timetable for action by the full Committee to occur within 30 days after the hearings, and for reporting out nominees to the full Senate.

(2) SENATE TIMETABLES.—The majority leader shall establish a timetable for action by the full Senate to occur within 30 days after the Committee on the Judiciary has reported out the nominations.

(b) EXTENSION OF TIMETABLES.—

(1) COMMITTEE EXTENSIONS.—The Chairman of the Committee on the Judiciary, with notice to the Ranking Member, may extend by a period not to exceed 30 days, the time for action by the Committee for cause, such as the need for more investigation or additional hearings.

(2) SENATE EXTENSIONS.—

(A) IN GENERAL.—The majority leader, with notice to the minority leader, may extend by a period not to exceed 30 days, the time for floor action for cause, such as the need for more investigation or additional hearings.

(B) RECESS PERIOD.—Any day of a recess period of the Senate shall not be included in the extension period described under subparagraph (A).

SENATE RESOLUTION 470—CALLING ON THE RELEVANT GOVERNMENTS, MULTILATERAL BODIES, AND NON-STATE ACTORS IN CHAD, THE CENTRAL AFRICAN REPUBLIC, AND SUDAN TO DEVOTE AMPLE POLITICAL COMMITMENT AND MATERIAL RESOURCES TOWARDS THE ACHIEVEMENT AND IMPLEMENTATION OF A NEGOTIATED RESOLUTION TO THE NATIONAL AND REGIONAL CONFLICTS IN CHAD, THE CENTRAL AFRICAN REPUBLIC, AND DARFUR, SUDAN

Mr. FEINGOLD (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 470

Whereas armed groups have been moving freely among Sudan, Chad, and the Central African Republic, committing murder, banditry, forced recruitment, mass displacement, gender-based violence, and other crimes that are contributing to insecurity and instability throughout the region, exacerbating the humanitarian crises in these countries and obstructing efforts to end violence in the Darfur region of Sudan and adjacent areas;

Whereas, on February 2, 2008, rebels stormed the capital of Chad, N'Djamena, in their second coup attempt in two years, prompting clashes with forces loyal to President of Chad Idriss Deby that caused more than 100 civilian deaths, thousands of displacements, and an estimated 10,000 refugees from Chad to seek refuge in neighboring Cameroon;

Whereas, on February 2, 2008, the United States Embassy in N'Djamena was forced to evacuate employees' families and all nonemergency staff and urged United States citizens to defer all travel to Chad;

Whereas, on February 2, 2008, the United States Government condemned the armed attack on N'Djamena and expressed ''support [for] the [African Union]'s call for an immediate end to armed attacks and to refrain from violence that might harm innocent civilians'';

Whereas, on February 12, 2008, the United Nations High Commissioner for Refugees (UNHCR) reported that recent offensives by the Government of Sudan in Darfur have prompted up to 12,000 new refugees to flee to neighboring Chad, where the UNHCR and its partners are already struggling to take care of 240,000 refugees from Sudan in eastern Chad and some 50,000 refugees from the Central African Republic in southern Chad;

Whereas cross-border attacks by alleged Arab militias from Sudan and related intercommunal ethnic hostilities in eastern Chad have also resulted in the displacement of an estimated 170,000 people from Chad in the region, adding to the humanitarian need;

Whereas there have been allegations and evidence in both Chad and Sudan of government support for dissident rebel militias in each other's country, in direct violation of the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006;

Whereas, on January 16, 2008, the United Nations' Humanitarian Coordinator for the Central African Republic reported that waves of violence across the north of that country have left more than 1,000,000 people in need of humanitarian assistance, including 150,000 who are internally displaced, while some 80,000 have fled to neighboring Chad or Cameroon;

Whereas, since late 2007, arrests, disappearances, and harassment of journalists, human rights defenders, and opposition leaders—particularly those reporting on military operations and human rights conditions in eastern Chad— mirror the repressive crackdown in the aftermath of an attack on N'Djamena in April 2006, and conditions have only worsened since the February 2008 attempted coup;

Whereas, on September 27, 2007, the United Nations Security Council passed Security Council Resolution 1778 (2007), authorizing a limited United Nations peacekeeping mission (MINURCAT) and a concurrent European-led force (EUFOR), which is permitted to ''take all necessary measures'' to protect refugees, civilians, and aid workers in eastern Chad and northern Central African Republic;

Whereas, despite the explicit support of President Deby, deployment of both the 3,700 EUFOR troops and the 350 MINURCAT officers has been hampered by political and security delays as well as insufficient resources; and

Whereas continuing hostilities will undermine efforts to bring security to Sudan's Darfur region, dangerously destabilize volatile political and humanitarian situations in Chad and the Central African Republic, and potentially disrupt progress towards peace in southern Sudan: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the concern and compassion of the citizens of the United States for the hundreds of thousands of citizens of Sudan, Chad, and the Central African Republic who have been gravely affected by this interrelated violence and instability;

(2) calls upon all parties to these conflicts to cease hostilities immediately and uphold basic human rights;

(3) urges the governments of Chad and Sudan, with support from other key regional and international stakeholders, including France, Libya, and China, to commit to another round of inclusive negotiations towards a sustainable political solution for national and regional stability facilitated and monitored by impartial third-party leadership;

(4) calls upon the governments of Chad and Sudan to reaffirm their commitment to the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006, refrain from any actions that violate these agreements, and cease all logistical, financial, and military support to insurgent groups;

(5) urges the Government of Chad to increase political participation, strengthen democratic institutions, respect human rights, improve accountability and transparency as well as the provision of basic services, and uphold its commitment to protect its own citizens in order to redeem the legitimacy of the Government in the eyes of its citizens and the international community;

(6) calls for diplomatic and material support from the United States and the international community to facilitate, implement, and monitor a comprehensive peace process that includes an inclusive dialogue with all relevant stakeholders to end violence, demobilize militias, and promote return and reconstruction for internally displaced persons and refugees; and

(7) encourages the United States Government and the international community to provide immediate and ongoing support for the multilateral peacekeeping missions in Darfur, eastern Chad, and the northern Central African Republic, along with adequate assistance to meet the continuing humanitarian and security needs of the individuals and areas most affected by these interrelated conflicts.

SENATE RESOLUTION 471—DESIGNATING MARCH 1, 2008, AS ''NATIONAL GLANZMANN'S THROMBASTHENIA AWARENESS DAY''

Mr. ISAKSON (for himself, Mrs. MURRAY, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 471

Whereas Glanzmann's Thrombasthenia affects men, women, and children of all ages;

Whereas Glanzmann's Thrombasthenia is a very distressing disorder to those who have it, causing great discomfort and severe emotional stress;

Whereas children with Glanzmann's Thrombasthenia are unable to participate in many normal childhood activities including most sports and are often subject to social discomfort because of their disorder;

Whereas Glanzmann's Thrombasthenia includes a wide range of symptoms including life-threatening, uncontrollable bleeding and severe bruising;

Whereas Glanzmann's Thrombasthenia is frequently misdiagnosed or undiagnosed by medical professionals;

Whereas currently there is no cure for Glanzmann's Thrombasthenia;

Whereas it is essential to educate the public on the symptoms, treatments, and constant efforts to cure Glanzmann's Thrombasthenia to ensure early diagnosis and treatment of the condition;

Whereas Helen P. Smith established the Glanzmann's Thrombasthenia Research Foundation in Augusta, Georgia, in 2001; and

Whereas Helen P. Smith and the Glanzmann's Thrombasthenia Research Foundation have worked tirelessly to promote awareness of Glanzmann's Thrombasthenia and help fund research on the disorder: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day'';

(2) urges all people of the United States to become more informed and aware of Glanzmann's Thrombasthenia; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Glanzmann's Thrombasthenia Research Foundation.

SENATE RESOLUTION 472—COMMENDING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY, THEIR PARTNERS AT ALL LEVELS OF GOVERNMENT, AND THE MILLIONS OF LAW ENFORCEMENT, FIRE SERVICE, AND EMERGENCY MEDICAL SERVICES PERSONNEL, EMERGENCY MANAGERS, AND OTHER EMERGENCY RESPONSE PROVIDERS NATIONWIDE FOR THEIR DEDICATED SERVICE IN PROTECTING THE PEOPLE OF THE UNITED STATES AND THE NATION FROM ACTS OF TERRORISM, NATURAL DISASTERS, AND OTHER LARGE-SCALE EMERGENCIES

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. STEVENS, Mr. VOINOVICH,

Mr. CARPER, Mr. COLEMAN, Mr. DOMENICI, Mr. WARNER, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas it has been almost 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas al-Qaeda and affiliated or inspired terrorist groups remain committed to plotting attacks against the United States, its interests, and its foreign allies, as evidenced by recent terrorist attacks in Great Britain, Algeria, and Pakistan, and disrupted plots in Germany, Denmark, Canada, and the United States;

Whereas the Nation remains vulnerable to catastrophic natural disasters, such as Hurricane Katrina, which devastated the Gulf Coast in August 2005;

Whereas the President has declared more than 400 major disasters and emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act since 2000, in response to a host of natural disasters, including tornadoes, floods, winter storms, and wildfires that have overwhelmed the capabilities of State and local governments;

Whereas acts of terrorism, natural disasters, and other large-scale emergencies can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to the Nation's critical infrastructure, and inflicting billions of dollars of costs on both the public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing risk to the Nation from a full range of potential catastrophic incidents, Congress established the Department of Homeland Security on March 1, 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing information analysis, infrastructure protection, and science and technology, and focusing its more than 200,000 employees on the critical mission of defending the Nation against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal departments and agencies and partners at all levels of government to help secure the Nation's borders, airports, sea and inland ports, critical infrastructure, and people against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas the Nation's firefighters, law enforcement officers, emergency medical services personnel, and other emergency response providers selflessly and repeatedly risk their lives to fulfill their mission to help prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary individuals across the country have been working in cooperation with the Department of Homeland Security and other Federal departments and agencies to enhance the Nation's ability to prevent, protect against, prepare for, and respond to natural disasters, acts of terrorism, and other large-scale emergencies; and

Whereas the people of the United States can assist in promoting the Nation's overall preparedness by remaining vigilant, reporting suspicious activity to proper authorities, and preparing themselves and their families for all emergencies, regardless of their cause: Now, therefore, be it

Resolved, That the Senate—

(1) on the occasion of the fifth anniversary of the establishment of the Department of Homeland Security, commends the public servants of the Department for their outstanding contributions to the Nation's security and safety;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and individuals across the country for their efforts to enhance the Nation's ability to prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

(3) expresses the Nation's appreciation for the sacrifices and commitment of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers in preventing, protecting against, preparing for, and responding to acts of terrorism, natural disasters, and other large-scale emergencies;

(4) urges the Federal Government, States, local governments, Indian tribes, schools, nonprofit organizations, businesses, other entities, and the people of the United States to take steps that promote individual and community preparedness for any emergency, regardless of its cause; and

(5) encourages continued efforts by every individual in the United States to enhance the ability of the Nation to address the full range of potential catastrophic incidents at all levels of government.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4091. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table.

SA 4092. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4093. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4094. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4095. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4096. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4097. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4098. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4099. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4100. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4101. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4102. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4103. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4104. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) proposed an amendment to the bill S. 2663, supra.

SA 4105. Ms. KLOBUCHAR (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4106. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4107. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4104 proposed by Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) to the bill S. 2663, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4091. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —COMMERCIAL SEAFOOD CONSUMER PROTECTION

SEC. —01. SHORT TITLE.

This title may be cited as the ''Commercial Seafood Consumer Protection Act''.

SEC. —02. SEAFOOD SAFETY.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

SEC. —03. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of Commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

SEC. —04. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

SEC. —05. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines, on the basis of reliable evidence, that shipments of such seafood or seafood products is not likely to meet the requirements of Federal law.

(b) INCREASED TESTING.—If the Secretary determines, on the basis of reliable evidence that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section —03, then the Secretary shall order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) RELIABLE EVIDENCE DEFINED.—In this section, the term ''reliable evidence'' includes—

(1) the detection of failure to meet Federal law requirements under subsection (a) by the Secretary;

(2) the detection of all seafood products that fail to meet Federal law requirements by an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)) or a laboratory certified under subsection (c);

(3) findings from an inspection team formed under section —06; or

(4) the detection by other importing countries of non-compliance of shipments of seafood or seafood products that originate from the exporting country or exporter.

(f) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. —06. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess whether any prohibited drug, practice, or process is being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood. The inspection team shall prepare a report for the Secretary with its findings. The Secretary of Commerce shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary of Commerce shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register. A country may offer a rebuttal to the assessment within 90 days after publication of the report.

SEC. —07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this title, $15,000,000.

SA 4092. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. EQUESTRIAN HELMETS.

(a) STANDARDS.—

(1) IN GENERAL.—Every equestrian helmet manufactured on or after the date that is 9 months after the date of the enactment of this Act shall meet—

(A) the interim standard specified in paragraph (2), pending the establishment of a final standard pursuant to paragraph (3); and

(B) the final standard, once that standard has been established under paragraph (3).

(2) INTERIM STANDARD.—The interim standard for equestrian helmets is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(3) FINAL STANDARD.—

(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code—

(i) to establish a final standard for equestrian helmets that incorporates all the requirements of the interim standard specified in paragraph (2);

(ii) to provide in the final standard a mandate that all approved equestrian helmets be certified to the requirements promulgated under the final standard by an organization that is accredited to certify personal protection equipment in accordance with ISO Guide 65; and

(iii) to include in the final standard any additional provisions that the Commission considers appropriate.

(B) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, and 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(C) EFFECTIVE DATE.—The final standard shall take effect not later than 1 year after the date it is issued.

(4) FAILURE TO MEET STANDARDS.—

(A) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not meet the interim standard, required under paragraph (1)(A), shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(B) STATUS OF FINAL STANDARD.—The final standard developed under paragraph (3) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(b) GRANTS REGARDING USE OF SAFE EQUESTRIAN HELMETS.—

(1) AUTHORITY TO AWARD GRANTS.—The Secretary of Commerce may award grants to States, political subdivisions of States, Indian tribes, tribal organizations, public organizations, and private nonprofit organizations for activities that encourage individuals to wear approved equestrian helmets.

(2) APPLICATION.—A State, political subdivisions of States, Indian tribes, tribal organizations, public organizations, and private nonprofit organizations seeking a grant under this section shall submit to the Secretary an application for the grant, in such form and containing such information as the Secretary may require.

(3) REVIEW BEFORE AWARD.—

(A) REVIEW.—The Secretary shall review each application for a grant under this section in order to ensure that the applicant for the grant will use the grant for the purposes described in subsection (c).

(B) SCOPE OF PROGRAMS.—In reviewing applications for grants, the Secretary shall permit applicants wide discretion in designing programs that effectively promote increased use of approved equestrian helmets.

(c) PURPOSES OF GRANTS.—A grant under subsection (b) may be used by a grantee to—

(1) educate individuals and their families on the importance of wearing approved equestrian helmets in a proper manner in order to improve equestrian safety;

(2) provide assistance to individuals who may not be able to afford approved equestrian helmets to enable such individuals to acquire such helmets; or

(3) carry out any combination of activities described in paragraphs (1) and (2).

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report on the effectiveness of grants awarded under subsection (b).

(2) CONTENTS.—The report shall include a list of grant recipients, a summary of the types of programs implemented by the grant recipients, and any recommendations that the Secretary considers appropriate regarding modification or extension of the authority under subsection (b).

(3) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(e) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) CONSUMER PRODUCT SAFETY COMMISSION.—There is authorized to be appropriated to the Consumer Product Safety Commission to carry out activities under subsection (a), $500,000 for fiscal year 2009, which amount shall remain available until expended.

(2) DEPARTMENT OF COMMERCE.—There is authorized to be appropriated to the Department of Commerce to carry out subsection (b), $100,000 for each of fiscal years 2009, 2010, and 2011.

(f) DEFINITIONS.—In this section:

(1) APPROVED EQUESTRIAN HELMET.—The term ''approved equestrian helmet'' means an equestrian helmet that meets—

(A) the interim standard specified in subsection (a)(2), pending establishment of a final standard under subsection (a)(3); and

(B) the final standard, once it is effective under subsection (a)(3).

(2) EQUESTRIAN HELMET.—The term ''equestrian helmet'' means a hard shell head covering intended to be worn while participating in an equestrian event or activity.

SA 4093. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LABELING OF CLONED FOOD.

(a) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z)(1) If it contains cloned product unless it bears a label that provides notice in accordance with the following:

''(A) A notice as follows: 'THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY'.

''(B) The notice required in clause (A) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

''(C) The notice required under clause (A) is clearly legible and conspicuous.

''(2) For purposes of this paragraph:

''(A) The term 'cloned animal' means—

''(i) an animal produced as the result of somatic cell nuclear transfer; and

''(ii) the progeny of such an animal.

''(B) The term 'cloned product' means a product or byproduct derived from or containing any part of a cloned animal.

''(3) This paragraph does not apply to food that is a medical food as defined in section 5(b) of the Orphan Drug Act.

''(4)(A) The Secretary, in consultation with the Secretary of Agriculture, shall require that any person that prepares, stores, handles, or distributes a cloned product for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with this paragraph and paragraph (aa).

''(B) The Secretary, in consultation with the Secretary of Agriculture, shall publish in the Federal Register the procedures established by such Secretaries to verify compliance with the recordkeeping audit trail system required under clause (A).

''(C) The Secretary, in consultation with the Secretary of Agriculture, shall, on an annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this subparagraph.

''(aa) If it bears a label indicating (within the meaning of paragraph (z)) that it does not contain cloned product, unless the label is in accordance with regulations promulgated by the Secretary. With respect to such regulations:

''(1) The regulations may not require such a label to include any statement indicating that the fact that a food does not contain such product has no bearing on the safety of the food for human consumption.

''(2) The regulations may not prohibit such a label on the basis that, in the case of the type of food involved, there is no version of the food in commercial distribution that does contain such product.''.

(2) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

''(g)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $100,000 for each such violation.

''(2) Paragraphs (3) through (5) of subsection (f) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (f).''.

(3) GUARANTY.—

(A) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(i) by striking ''(d)'' and inserting ''(d)(1)''; and

(ii) by adding at the end the following paragraph:

''(2) Subject to section 403(z)(4), no person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) and 403(aa) if such person (referred to in this paragraph as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food to the effect that (within the meaning of section 403(z)) the food does not contain any cloned product.''.

(B) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting ''or 303(d)(2)'' after ''303(c)(2)''.

(4) CITIZEN SUITS.—Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331 et seq.) is amended by adding at the end the following section:

''SEC. 311. CITIZEN SUITS REGARDING MISBRANDING OF FOOD WITH RESPECT TO PRODUCT FROM CLONED ANIMALS.

''(a) IN GENERAL.—Except as provided in subsection (c), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

''(1) a person who is alleged to have engaged in a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa); or

''(2) the Secretary where there is alleged a failure of the Secretary to perform any act or duty under section 403(z) or 403(aa) that is not discretionary.

''(b) RELIEF.—In a civil action under subsection (a), the district court involved may, as the case may be—

''(1) enforce the compliance of a person with the applicable provisions referred to paragraph (1) of such subsection; or

''(2) order the Secretary to perform an act or duty referred to in paragraph (2) of such subsection.

''(c) LIMITATIONS.—

''(1) NOTICE TO SECRETARY.—A civil action may not be commenced under subsection (a)(1) prior to 60 days after the plaintiff has provided to the Secretary notice of the violation involved.

''(2) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under subsection (a)(2) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in subsection (a)(1).

''(d) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under subsection (a), the Secretary, if not a party, may intervene as a matter of right.

''(e) AWARD OF COSTS; FILING OF BOND.—In a civil action under subsection (a), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(f) SAVINGS PROVISION.—This section does not restrict any right that a person (or class of persons) may have under any statute or common law to seek enforcement of the provisions referred to subsection (a)(1), or to seek any other relief (including relief against the Secretary).''.

(b) AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT.—

(1) REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following:

"SEC. 7A. REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) CLONED ANIMAL.—The term 'cloned animal' means—

''(A) an animal produced as the result of somatic cell nuclear transfer; and

''(B) the progeny of such an animal.

''(2) CLONED PRODUCT.—The term 'cloned product' means a product or byproduct derived from or containing any part of a cloned animal.

''(3) CLONED MEAT FOOD PRODUCT.—The term 'cloned meat food product' means a meat food product that contains a cloned product.

''(b) LABELING REQUIREMENT.—

''(1) REQUIRED LABELING TO AVOID MISBRANDING.—

''(A) INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product—

''(i) is a cloned meat food product; and

''(ii) does not bear a label (or include labeling, in the case of a meat food product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notice described in subsection (c).

''(B) NO INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—

''(i) IN GENERAL.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product bears a label indicating that the meat food product is not a cloned meat food product, unless the label is in accordance with regulations promulgated by the Secretary.

''(ii) REQUIREMENTS.—In promulgating regulations referred to in clause (i), the Secretary may not—

''(I) require a label to include any statement indicating that the fact that a meat food product is not a cloned meat food product has no bearing on the safety of the food for human consumption; or

''(II) prohibit a label on the basis that, in the case of the type of meat food product involved, there is no version of the meat food product in commercial distribution that is not a cloned meat food product.

''(2) AUDIT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall require that any person that manufactures, produces, distributes, stores, or handles a meat food product maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with the labeling requirements described in paragraph (1).

''(B) PUBLICATION.—The Secretary, in consultation with the Secretary of Health and Human Services, shall publish in the Federal Register the procedures established by the Secretaries to verify compliance with the recordkeeping audit trail system required under subparagraph (A).

''(C) REPORT.—The Secretary, in consultation with the Secretary of Health and Human Services, shall, on annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this paragraph.

''(c) SPECIFICS OF LABEL NOTICE.—

''(1) REQUIRED NOTICE.—The notice referred to in subsection (b)(1)(A)(ii) is the following: 'THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY'.

''(2) SIZE.—The notice required in paragraph (1) shall be of the same size as if the notice provided nutrition information that is required under section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(1)).

''(d) GUARANTY.—

''(1) IN GENERAL.—Subject to subsection (b)(2) and paragraph (2), a person engaged in the business of manufacturing or processing meat food products, or selling or serving meat food products at retail or through a food service establishment (referred to in this subsection as the 'recipient') shall not be considered to have violated this section with respect to the labeling of a meat food product if the recipient establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food product or the animal from which the meat food product was derived, or received in good faith food intended to be fed to the animal, to the effect that the meat food product, or the animal, or the meat food product, respectively, does not contain a cloned product or was not produced with a cloned product.

''(2) AUDIT VERIFICATION SYSTEM.—In the case of recipients who establish guaranties or undertakings in accordance with paragraph (1), the Secretary may exempt the recipients from the requirement under subsection (b)(2) regarding maintaining a verifiable recordkeeping audit trail.

''(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

''(e) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c) in an amount not to exceed $100,000 for each violation.

''(2) NOTICE AND OPPORTUNITY FOR HEARING.—

''(A) IN GENERAL.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this paragraph and section 554 of title 5, United States Code.

''(B) WRITTEN NOTICE.—Before issuing an order under subparagraph (A), the Secretary shall—

''(i) give written notice to the person to be assessed a civil penalty under the order of the proposal of the Secretary to issue the order; and

''(ii) provide the person an opportunity for a hearing on the order.

''(C) AUTHORIZATIONS.—In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

''(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall consider—

''(A) the nature, circumstances, extent, and gravity of the 1 or more violations; and

''(B) with respect to the violator—

''(i) ability to pay;

''(ii) effect on ability to continue to do business;

''(iii) any history of prior violations;

''(iv) the degree of culpability; and

''(v) such other matters as justice may require.

''(4) CERTAIN AUTHORITIES.—

''(A) IN GENERAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1).

''(B) DEDUCTION FROM SUMS OWED.—The amount of a civil penalty under this subsection, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with—

''(i) the United States Court of Appeals for the District of Columbia Circuit; or

''(ii) any other circuit in which the person resides or transacts business.

''(B) FILING DEADLINE.—A petition described in subparagraph (A) may only be filed within the 60-day period beginning on the date the order making the assessment was issued.

''(6) FAILURE TO PAY.—

''(A) IN GENERAL.—The Attorney General shall recover the amount assessed under a civil penalty (plus interest at prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5)(B) or the date of the final judgment, as appropriate) in an action brought in any appropriate district court of the United States if a person fails to pay the assessment—

''(i) after the order making the assessment becomes final, if the person does not file a petition for judicial review of the order in accordance with paragraph (5)(A); or

''(ii) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Secretary;

''(B) EXEMPTIONS FROM REVIEW.—In an action described in subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

''(f) CITIZEN SUITS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

''(A) a person who is alleged to have engaged in a violation of subsection (b) or (c); or

''(B) the Secretary in a case in which there is alleged a failure of the Secretary to perform any act or duty under subsection (b) or (c) that is not discretionary.

''(2) RELIEF.—In a civil action under paragraph (1), the district court involved may, as appropriate—

''(A) enforce the compliance of a person with the applicable provisions referred to paragraph (1)(A); or

''(B) order the Secretary to perform an act or duty referred to in paragraph (1)(B).

''(3) LIMITATIONS.—

''(A) NOTICE TO SECRETARY.—A civil action may not be commenced under paragraph (1)(A) prior to 60 days after the date on which the plaintiff provided to the Secretary notice of the violation involved.

''(B) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under paragraph (1)(B) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in paragraph (1)(A).

''(4) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under paragraph (1), the Secretary, if not a party, may intervene as a matter of right.

''(5) AWARD OF COSTS; FILING OF BOND.—

''(A) AWARD OF COSTS.—In a civil action under paragraph (1), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party in any case in which the court determines such an award is appropriate.

''(B) FILING OF BOND.—The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(6) SAVINGS PROVISION.—This subsection does not restrict any right that a person (or class of persons) may have under any statute or common law—

''(A) to seek enforcement of the provisions referred to in paragraph (1)(A); or

''(B) to seek any other relief (including relief against the Secretary).''.

(2) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(A) by striking ''or'' at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(C) by adding at the end the following:

''(13) if it fails to bear a label or labeling as required by section 7A.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 180-day period beginning on the date of enactment of this Act.

SA 4094. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, 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; as follows:

On page 58, strike lines 4 through 7 and insert the following:

''(g)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

''(2) For purposes of this subsection, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

SA 4095. Mr. DEMINT proposed an amendment to the bill S. 2663, 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; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Product Safety Modernization Act''.

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

SEC. 2. REFERENCES.

(a) COMMISSION.—As used in this Act, the term ''Commission'' means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(c) RULE.—In this Act and the amendments made by this Act, a reference to any rule under any Act enforced by the Commission shall be considered a reference to any rule, standard, ban, or order under any such Act.

SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

TITLE I—CHILDREN'S PRODUCT SAFETY

SEC. 101. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) CHILDREN'S PRODUCTS CONTAINING LEAD.—

(1) BANNED HAZARDOUS SUBSTANCE.—Effective 180 days after the date of enactment of this Act, any children's product containing more than the amounts of lead set forth in paragraph (2) shall be a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

(2) STANDARD FOR AMOUNT OF LEAD.—The amounts of lead referred to in paragraph (1) shall be—

(A) 600 parts per million total lead content by weight for any part of the product;

(B) 300 parts per million total lead content by weight for any part of the product, effective 2 years after the date of enactment of this Act; and

(C) 100 parts per million total lead content by weight for any part of the product, effective 4 years after the date of enactment of this Act, unless the Commission determines, after notice and a hearing, that a standard of 100 parts per million is not feasible, in which case the Commission shall require the lowest amount of lead that the Commission determines is feasible to achieve.

(3) COMMISSION REVISION TO MORE PROTECTIVE STANDARD.—

(A) MORE PROTECTIVE STANDARD.—The Commission may, by rule, revise the standard set forth in paragraph (2)(C) for any class of children's products to any level and form that the Commission determines is—

(i) more protective of human health; and

(ii) feasible to achieve.

(B) PERIODIC REVIEW.—The Commission shall, based on the best available scientific and technical information, periodically review and revise the standard set forth in this section to require the lowest amount of lead that the Commission determines is feasible to achieve.

(4) COMMISSION AUTHORITY TO EXCLUDE CERTAIN MATERIALS.—The Commission may, by rule, exclude certain products and materials from the prohibition in paragraph (1) if the Commission determines that the lead content in such products and materials will not result in the absorption of lead in the human body or does not have any adverse impact on public health or safety.

(5) DEFINITION OF CHILDREN'S PRODUCT.—

(A) IN GENERAL.—As used in this subsection, the term ''children's product'' means a consumer product as defined in section 3(1) of the Consumer Product Safety Act (15 U.S.C. 2052(1)) designed or intended primarily for children 12 years of age or younger.

(B) FACTORS TO BE CONSIDERED.—In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

(iii) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

(iv) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

(6) EXCEPTION FOR INACCESSIBLE COMPONENT PARTS.—The standards established under paragraph (2) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. A component part is not accessible under this paragraph if such component part is not

physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. The Commission may require that certain electronic devices be equipped with a child-resistant cover or casing that prevents exposure of and accessibility to the parts of the product containing lead if the Commission determines that it is not feasible for such products to otherwise meet such standards.

(b) PAINT STANDARD.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall modify section 1303.1 of title 16, Code of Federal Regulations, to—

(A) reduce the standard applicable to lead paint by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section;

(B) apply the standard to all children's products as defined in subsection (a)(5); and

(C) reduce the standard for paint and other surface coating on children's products and furniture to 0.009 milligrams per centimeter squared.

(2) MORE PROTECTIVE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Commission shall, by rule, revise the standard established under paragraph (1)(C) to a more protective standard if the Commission determines such a standard to be feasible.

(c) AUTHORITY TO EXTEND IMPLEMENTATION PERIODS.—The Commission may extend, by rule, the effective dates in subsections (a) and (b) by an additional period not to exceed 180 days if the Commission determines that—

(1) there is no impact on public health or safety from extending the implementation period; and

(2)(A) the complete implementation of the new standards by manufacturers subject to such standards is not feasible within 180 days;

(B) the cost of such implementation, particularly on small and medium sized enterprises, is excessive; or

(C) the Commission requires additional time to implement such standards and determine the required testing methodologies and appropriate exceptions in order to enforce such standards.

SEC. 102. MANDATORY THIRD-PARTY TESTING FOR CERTAIN CHILDREN'S PRODUCTS.

(a) MANDATORY AND THIRD-PARTY TESTING.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Every manufacturer'' and inserting ''Except as provided in paragraph (2), every manufacturer''; and

(B) by striking ''standard under this Act'' and inserting ''rule under this Act or similar rule under any other Act enforced by the Commission'';

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

''(2) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, every manufacturer of a children's product (and the private labeler of such children's product if such product bears a private label) which is subject to a consumer product safety rule under this Act or a similar rule or standard under any other Act enforced by the Commission, shall—

''(A) have the product tested by a independent third party qualified to perform such tests or a proprietary laboratory certified by the Commission under subsection (e) ; and

''(B) issue a certificate which shall—

''(i) certify that such product conforms to such standards or rules; and

''(ii) specify the applicable consumer product safety standards or other similar rules.''; and

(3) in paragraph (3) (as so redesignated)—

(A) by striking ''required by paragraph (1) of this subsection'' and inserting ''required by paragraph (1) or (2) (as the case may be)''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) DEFINITION OF CHILDREN'S PRODUCTS AND INDEPENDENT THIRD PARTY.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'children's product' means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

''(2) The term 'independent third party', means an independent testing entity that is not owned, managed, controlled, or directed by such manufacturer or private labeler, and that is accredited in accordance with an accreditation process established or recognized by the Commission. In the case of certification of art material or art material products required under this section or under regulations issued under the Federal Hazardous Substances Act, such term includes a certifying organization, as such term is defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations.''.

(c) CERTIFICATION OF PROPRIETARY LABORATORIES.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

''(e) CERTIFICATION OF PROPRIETARY LABORATORIES FOR MANDATORY TESTING.—

''(1) CERTIFICATION.—Upon request, the Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may certify a laboratory that is owned, managed, controlled, or directed by the manufacturer or private labeler for purposes of testing required under this section if the Commission determines that—

''(A) certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(B) the laboratory has established procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(C) the laboratory has established procedures for confidential reporting of allegations of undue influence to the Commission.

''(2) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify any laboratory certified under paragraph (1) if the Commission finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''standards under this Act'' and inserting ''rules under this Act or similar rules under any other Act enforced by the Commission''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

Section 14(a) (15 U.S.C. 2063(a)) is further amended by adding at the end the following:

''(4) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, the manufacturer of a children's product shall, to the extent feasible, place distinguishing marks on the product and its packaging that will enable the manufacturer and the ultimate purchaser to ascertain the location and date of production of the product, and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks.''.

SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF DURABLE NURSERY PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable nursery products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(c) CONSUMER REGISTRATION REQUIREMENT.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(A) to provide consumers with a postage-paid consumer registration form with each such product;

(B) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(A) include spaces for a consumer to provide their name, address, telephone number, and email address;

(B) include space sufficiently large to permit easy, legible recording of all desired information;

(C) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(D) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(E) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(F) include an option for consumers to register through the Internet; and

(G) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product. In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(3) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(4) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls and whether such registration forms should be required for other children's products. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to Congress.

(d) DEFINITION OF DURABLE INFANT OR TODDLER PRODUCT.—As used in this section, the term ''durable infant or toddler product''—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) shall include—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs, booster chairs, and hook-on chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

SEC. 105. LABELING REQUIREMENT FOR CERTAIN INTERNET AND CATALOGUE ADVERTISING OF TOYS AND GAMES.

Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—Effective 180 days after the Consumer Product Safety Modernization Act, any advertisement of a retailer, manufacturer, importer, distributor, private labeler, or licensor that provides a direct means for the purchase or ordering of any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. Such cautionary statement shall be displayed in the language that is primarily used in the advertisement, catalogue, or Internet website, and in a clear and conspicuous manner consistent with part 1500 of title 16, Code of Federal Regulations (or a successor regulation thereto).

''(2) ENFORCEMENT.—The requirement in paragraph (1) shall be treated as a consumer product safety rule promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) and the publication or distribution of any advertisement that is not in compliance with the requirements of paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).

''(3) RULEMAKING.—Not later than 180 days after the date of enactment of Consumer Product Safety Modernization Act, the Commission shall, by rule, modify the requirement under paragraph (1) with regard to catalogues or other printed materials concerning the size and placement of the cautionary statement required under such paragraph as appropriate relative to the size and placement of the advertisements in such printed materials. The Commission may, under such rule, provide a grace period for catalogues and printed materials printed prior to the effective date in paragraph (1) during which time distribution of such printed materials shall not be considered a violation of such paragraph.''.

SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS IN MINORITY CHILDREN RELATED TO CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan native, and Asian/Pacific Islander children in the United States. The Comptroller General shall consult with the Commission as necessary.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drownings associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report the findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) the Comptroller General's findings on the incidence of preventable risks of injuries and deaths among children of minority populations and recommendations for minimizing such risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce statistical disparities.

SEC. 107. REVIEW OF GENERALLY-APPLICABLE STANDARDS FOR TOYS.

(a) ASSESSMENT.—The Commission shall examine and assess the effectiveness of the safety standard for toys, ASTM-International standard F963–07, or its successor standard, to determine—

(1) the scope of such standards, including the number and type of toys to which such standards apply;

(2) the degree of adherence to such standards on the part of manufacturers; and

(3) the adequacy of such standards in protecting children from safety hazards.

(b) SPECIAL FOCUS ON MAGNETS.—In conducting the assessment required under subsection (a), the Commission shall first examine the effectiveness of the F963–07 standard as it relates to intestinal blockage and perforation hazards caused by ingestion of magnets. If the Commission determines based on the review that there is substantial noncompliance with such standard that creates an unreasonable risk of injury or hazard to children, the Commission shall expedite a rulemaking to consider the adoption, as a consumer product safety rule, of the voluntary safety standards contained within the ASTM F963–07, or its successor standard, that relate to intestinal blockage and perforation hazards caused by ingestion of magnets.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall report to Congress the findings of the study conducted pursuant to subsection (a). Such report shall include the Commission's opinion regarding—

(1) the feasibility of requiring manufacturer testing of all toys to such standards; and

(2) whether promulgating consumer product safety rules that are substantially similar or more stringent than the standards described in such subsection would be beneficial to public health and safety.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

SEC. 201. REAUTHORIZATION OF THE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsections (a) and (b) of section 32 (15 U.S.C. 2081) are amended to read as follows:

''(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(1) $80,000,000 for fiscal year 2009;

''(2) $90,000,000 for fiscal year 2010; and

''(3) $100,000,000 for fiscal year 2011.

''(b) In addition to the amounts specified in subsection (a), there are authorized to be appropriated $20,000,000 to the Commission for fiscal years 2009 through 2011, for the purpose of renovation, repair, reconstruction, reequipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards).''.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commission shall transmit to Congress a report of its plans to allocate the funding authorized by subsection (a). Such report shall include—

(1) the number of full-time inspectors and other full-time equivalents the Commission intends to employ;

(2) the plan of the Commission for risk assessment and inspection of imported consumer products;

(3) an assessment of the feasibility of mandating bonds for serious hazards and repeat offenders and Commission inspection and certification of foreign third-party and proprietary testing facilities; and

(4) the efforts of the Commission to reach and educate retailers of second-hand products and informal sellers, such as thrift shops and yard sales, concerning consumer product safety standards and product recalls, especially those relating to durable nursery products, in order to prevent the resale of any products that have been recalled, including the development of educational materials for distribution not later than 1 year after the date of enactment of this Act.

SEC. 202. STRUCTURE AND QUORUM.

(a) EXTENSION OF TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the period beginning on the date of enactment of this Act through—

(1) August 3, 2008, if the President nominates a person to fill a vacancy on the Commission prior to such date; or

(2) the earlier of—

(A) 3 months after the date on which the President nominates a person to fill a vacancy on the Commission after such date; or

(B) February 3, 2009.

(b) REPEAL OF LIMITATION.—The first proviso in the account under the heading ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' in title III of Public Law 102–389 (15 U.S.C. 2053 note) shall cease to be in effect after fiscal year 2010.

SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 204. EXPEDITED RULEMAKING.

(a) RULEMAKING UNDER THE CONSUMER PRODUCT SAFETY ACT.—

(1) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by inserting ''or notice of proposed rulemaking'' after ''advance notice of proposed rulemaking'' in subsection (c); and

(E) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(1)) is amended to read as follows:

''(1) Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which the Commission finds meets the requirements section 2(f)(1)(A).''.

(2) PROCEDURE.—

(A) Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(B) Section 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(2)) is amended to read as follows:

''(2) Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(3) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking subsection (d) of section 2 and inserting the following:

''(d) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in section 14(b), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission''; and

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 20(a)(1) (15 U.S.C. 1275(a)(1)).

(c) RULEMAKING UNDER THE FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' and inserting ''may be commenced by a notice of proposed rulemaking or'';

(B) in subsection (i), by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193 et seq.) is further amended—

(A) by striking subsection (i) of section 2 and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''the Commission'';

(C) by striking ''Secretary'' each place it appears, except in sections 9 and 14, and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place either term appears in reference to the secretary and insert ''it'' and ''its'', respectively;

(E) in section 4(e), by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(F) in section 15, by striking ''Consumer Product Safety Commission (hereinafter referred to as the 'Commission')'' and inserting ''Commission'';

(G) by striking section 16(d) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related materials, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) in section 17, by striking ''Consumer Product Safety Commission'' and inserting ''Commission''.

SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) (15 U.S.C. 2055(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''30 days'' and inserting ''15 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(2) in paragraph (2)—

(A) by striking ''10 days'' and inserting ''5 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(3) in paragraph (4), by striking ''section 19 (related to prohibited acts)'' and inserting ''any consumer product safety rule under or provision of this Act or similar rule under or provision of any other Act administered by the Commission''; and

(4) in paragraph (5)—

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

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

(C) by adding at the end the following:

''(D) the Commission publishes a finding that the public health and safety require public disclosure with a lesser period of notice than is required under paragraph (1).''; and

(D) in the matter following such subparagraph (as added by subparagraph (C)), by striking ''section 19(a)'' and inserting ''any consumer product safety rule under this Act or similar rule under or provision of any other Act administered by the Commission''.

SEC. 206. PUBLICLY AVAILABLE INFORMATION ON INCIDENTS INVOLVING INJURY OR DEATH.

(a) EVALUATION.—The Commission shall examine and assess the efficacy of the Injury Information Clearinghouse maintained by the Commission pursuant to section 5(a) of the Consumer Product Safety Act (15 U.S.C. 2054(a)). The Commission shall determine the volume and types of publicly available information on incidents involving consumer products that result in injury, illness, or death and the ease and manner in which consumers can access such information.

(b) IMPROVEMENT PLAN.—As a result of the study conducted under subsection (a), the Commission shall transmit to Congress, not later than 180 days after the date of enactment of this Act, a detailed plan for maintaining and categorizing such information on a searchable Internet database to make the information more easily available and beneficial to consumers, with due regard for the protection of personal information. Such plan shall include the views of the Commission regarding whether additional information, such as consumer complaints, hospital or other medical reports, and warranty claims, should be included in the database. The plan submitted under this subsection shall include a detailed implementation schedule for the database, recommendations for any necessary legislation, and plans for a public awareness campaign to be conducted by the Commission to increase consumer awareness of the database.

SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 208. NOTIFICATION OF NONCOMPLIANCE WITH ANY COMMISSION-ENFORCED STATUTE.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) fails to comply with any other rule affecting health and safety promulgated by the Commission under the Federal Hazardous Substances Act, the Flammable Fabrics Act, or the Poison Prevention Packaging Act;''; and

(3) by adding at the end the following sentence: ''A report provided under this paragraph (2) may not be used as the basis for criminal prosecution under section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264), except for offenses which require a showing of intent to defraud or mislead.''.

SEC. 209. ENHANCED RECALL AUTHORITY AND CORRECTIVE ACTION PLANS.

(a) ENHANCED RECALL AUTHORITY.—Section 15 (15 U.S.C. 2064) is amended—

(1) in subjection (c)—

(A) by striking ''if the Commission'' and inserting ''(1) If the Commission'';

(B) by inserting ''or if the Commission, after notifying the manufacturer, determines a product to be an imminently hazardous consumer product and has filed an action under section 12,'' after ''from such substantial product hazard,'';

(C) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively;

(D) by inserting after ''the following actions:'' the following:

''(A) To cease distribution of the product.

''(B) To notify all persons that transport, store, distribute, or otherwise handle the product, or to which the product has been transported, sold, distributed, or otherwise handled, to cease immediately distribution of the product.

''(C) To notify appropriate State and local public health officials.''; and

(E) by adding at the end the following:

''(2) If a district court determines, in an action filed under section 12, that the product that is the subject of such action is not an imminently hazardous consumer product, the Commission shall rescind any order issued under this subsection with respect to such product.'';

(2) in subsection (f)—

(A) by striking ''An order'' and inserting ''(1) Except as provided in paragraph (2), an order''; and

(B) by inserting at the end the following:

''(2) The requirement for a hearing in paragraph (1) shall not apply to an order issued under subsection (c) relating to an imminently hazardous consumer product with regard to which the Commission has filed an action under section 12.''.

(b) CORRECTIVE ACTION PLANS.—Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''An order under this subsection may'' and inserting:

''(2) An order under this subsection shall'';

(6) by striking '', satisfactory to the Commission,'' and inserting '', as promptly as practicable under the circumstances, as determined by the Commission, for approval by the Commission,''; and

(7) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective or appropriate under the circumstances, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may, by order, amend, or require amendment of, the action plan. In determining whether an approved plan is effective or appropriate under the circumstances, the Commission shall consider whether a repair or replacement changes the intended functionality of the product.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan.''.

(c) CONTENT OF NOTICE.—Section 15 is further amended by adding at the end the following:

''(i) Not later than 180 days after the date of enactment of this Act, the Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any notice required under an order under subsection (c) or (d) of this section or under section 12. Such guidelines shall include any information that the Commission determines would be helpful to consumers in—

''(1) identifying the specific product that is subject to such an order;

''(2) understanding the hazard that has been identified with such product (including information regarding incidents or injuries known to have occurred involving such product); and

''(3) understanding what remedy, if any, is available to a consumer who has purchased the product.''.

SEC. 210. WEBSITE NOTICE, NOTICE TO THIRD PARTY INTERNET SELLERS, AND RADIO AND TELEVISION NOTICE.

Section 15(c)(1) (15 U.S.C. 2064(c)(1)) is amended by inserting '', including posting clear and conspicuous notice on its Internet website, providing notice to any third party Internet website on which such manufacturer, retailer, or distributor has placed the product for sale, and announcements in languages other than English and on radio and television where the Commission determines that a substantial number of consumers to whom the recall is directed may not be reached by other notice'' after ''comply''.

SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LABORATORIES.

Section 16(a)(1) is amended by striking ''or (B)'' and inserting ''(B) any proprietary laboratories certified under section 14(e), or (C)''.

SEC. 212. IDENTIFICATION OF MANUFACTURER, IMPORTERS, RETAILERS, AND DISTRIBUTORS.

(a) IN GENERAL.—Section 16 (15 U.S.C. 2065) is further amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is in the possession of the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which the manufacturer directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication or such product or substance; and

''(C) each subcontractor from which the manufacturer obtained a component thereof.''.

(b) COMPLIANCE REQUIRED FOR IMPORTATION.—Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (g), by striking ''may'' and inserting ''shall''; and

(2) in subsection (h)(2), by striking ''may'' and inserting ''shall, consistent with section 6,''.

SEC. 213. EXPORT OF RECALLED AND NON-CONFORMING PRODUCTS.

(a) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end the following:

''(c) Notwithstanding any other provision of this section, the Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any

consumer product, or other product or substance that is regulated under any Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under this Act or a similar rule under any such other Act;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

(b) PROHIBITED ACT.—Section 19(a)(10) (15 U.S.C. 2068(a)(10)) is amended by striking the period at the end and inserting '' or violate an order of the Commission issued under section 18(c); or''.

(c) CONFORMING AMENDMENTS TO OTHER ACTS.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(2) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, the Consumer Product Safety Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under the Consumer Product Safety Act or with a rule under this Act;

''(2) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

SEC. 214. PROHIBITION ON SALE OF RECALLED PRODUCTS.

Section 19(a) (as amended by section 210) (15 U.S.C. 2068(a)) is further amended—

(1) by striking paragraph (1) and inserting the following:

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public;

''(C) subject to an order issued under section 12 or 15 of this Act; or

''(D) designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8); and

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''.

SEC. 215. INCREASED CIVIL PENALTY.

(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) INITIAL INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) TEMPORARY INCREASE.—Notwithstanding the dollar amounts specified for maximum civil penalties specified in section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)), section 5(c)(1) of the Federal Hazardous Substances Act, and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)), the maximum civil penalties for any violation specified in such sections shall be $5,000,000, beginning on the date that is the earlier of the date on which final regulations are issued under section 3(b) or 360 days after the date of enactment of this Act.

(B) EFFECTIVE DATE.—Paragraph (1) shall cease to be in effect on the date on which the amendments made by subsection (b)(1) shall take effect.

(2) PERMANENT INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) AMENDMENTS.—

(i) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(ii) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(iii) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended by striking ''$1,250,000'' and inserting ''$10,000,000''.

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the earlier of—

(i) the date on which final regulations are issued pursuant to section 3(b); or

(ii) 360 days after the date of enactment of this Act.

(b) DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) FACTORS TO BE CONSIDERED.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20(b) (15 U.S.C. 2069(b)) is amended—

(i) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''products distributed, and'' and inserting ''products distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)) is amended—

(i) by inserting ''the nature, circumstances, extent ,and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''substance distributed, and'' and inserting ''substance distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(C) FLAMMABLE FABRICS ACT.—Section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)) is amended—

(i) by striking ''nature and number'' and inserting ''nature, circumstances, extent, and gravity'';

(ii) by striking ''absence of injury, and'' and inserting ''absence of injury,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

SEC. 216. CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.

Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalty provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act of any other Act enforced by the Commission for which the violator is sentenced under this section, section 5(a) of the Federal hazardous Substances Act (15 U.S.C. 2064(a)), or section 7 of the Flammable Fabrics Act (15 U.S.C. 1196).''.

SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

Section 24 (15 U.S.C. 2073) is amended—

(1) in the section heading, by striking ''PRIVATE'' and inserting ''ADDITIONAL'';

(2) by striking ''Any interested person'' and inserting ''(a) Any interested person''; and

(3) by striking ''No separate suit'' and all that follows and inserting the following:

''(b)(1) The attorney general of a State, alleging a violation of section 19(a) that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief.

''(2) Not less than thirty days prior to the commencement of such action, the attorney general shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein;

''(C) and to file petitions for appeal.

''(c) No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section the court may in the interest of justice award the costs of suit, including reasonable attorneys' fees (determined in accordance with section 11(f)) and reasonable expert witnesses' fees.''.

SEC. 218. EFFECT OF RULES ON PREEMPTION.

In issuing any rule or regulation in accordance with its statutory authority, the Commission shall not seek to expand or contract the scope, or limit, modify, interpret, or extend the application of sections 25 and 26 of the Consumer Products Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261), section 7 of the Poison Prevention Packaging Act (15 U.S.C. 1476), or section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) with regard to the extent to which each such Act preempts, limits, or otherwise affects any other Federal, State, or local law, or limits or otherwise affects any cause of action under State or local law.

SEC. 219. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end the following:

''(f)(1) The Commission may make information obtained by the Commission under this Act available (consistent with the requirements of section 6) to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) in the case of a foreign government agency, such agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) The Commission may abrogate any agreement or memorandum of understanding entered into under paragraph (1) if the Commission determines that the agency with which such agreement or memorandum of understanding was entered into has failed to maintain in confidence any information provided under such agreement or memorandum of understanding, or has used any such information for purposes other than those set forth in such agreement or memorandum of understanding.

''(3)(A) Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(B) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).

''(g) Whenever the Commission is notified of any voluntary recall of any consumer product self-initiated by a manufacturer (or a retailer in the case of a retailer selling a product under its own label), or issues an order under section 15(c) or (d) with respect to any product, the Commission shall notify each State's health department or other agency designated by the State of the recall or order.''.

SEC. 220. INSPECTOR GENERAL AUTHORITY AND ACCESSIBILITY.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Commission shall transmit a report to Congress on the activities of the Inspector General, any structural barriers which prevent the Inspector General from providing robust oversight of the activities of the Commission, and any additional authority or resources that would facilitate more effective oversight.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—The Inspector General of the Commission shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules, regulations, or the provisions of any Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall transmit a report to the Commission and to Congress setting forth the Inspector General's findings, conclusions, actions taken in response to employee complaints, and recommendations.

(c) COMPLAINT PROCEDURE.—Not later than 30 days after the date of enactment of this Act the Commission shall establish and maintain on the homepage of the Commission's Internet website a mechanism by which individuals may anonymously report incidents of waste, fraud, or abuse with respect to the Commission.

SEC. 221. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 222. INDUSTRY-SPONSORED TRAVEL BAN.

The Consumer Product Safety Act (15 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

''SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.

''(a) PROHIBITION.—Notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Commission shall accept travel, subsistence, and related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

''(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICIAL TRAVEL.—There are authorized to be appropriated, for each of fiscal years 2009 through 2011, $1,200,000 to the Commission for certain travel and lodging expenses necessary in furtherance of the official duties of Commissioners and employees.''.

SEC. 223. ANNUAL REPORTING REQUIREMENT.

Section 27(j) (15 U.S.C. 2076(j)) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Commission'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note), the Commission''; and

(2) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively and inserting after paragraph (4) the following:

''(5) the number and summary of recall orders issued under section 12 or 15 during such year and a summary of voluntary actions taken by manufacturers of which the Commission has notified the public, and an assessment of such orders and actions;''.

SEC. 224. STUDY ON THE EFFECTIVENESS OF AUTHORITY RELATING TO IMPORTED PRODUCTS.

The Commission shall study the effectiveness of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)), specifically paragraphs (3) and (4) of such section, to determine a specific strategy to increase the effectiveness of the Commission's ability to stop unsafe products from entering the United States. The Commission shall submit a report to Congress not later than 9 months after enactment of this Act, which shall include recommendations regarding additional authority the Commission needs to implement such strategy, including any necessary legislation.

SA 4096. Mr. DEMINT submitted an amendment to the bill S. 2663, 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; as follows:

Beginning on page 58, strike line 11 and all that follows through page 66, line 9.

SA 4097. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

On page 58, strike lines 4 through 7 and inserting the following:

''(g) ATTORNEY FEES.—The prevailing party in a civil action under subsection (a) may recover reasonable costs and attorney fees.''.

SA 4098. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON IMPORTATION OF TOYS MADE BY CERTAIN MANUFACTURERS.

Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (a), as amended by section 10(f) of this Act—

(A) in paragraph (5), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) is a toy classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that is manufactured by a company that the Commission has determined—

''(A) has shown a persistent pattern of manufacturing such toys with defects that constitute substantial product hazards (as defined in section 15(a)(2)); or

''(B) has manufactured such toys that present a risk of injury to the public of such a magnitude that the Commission has determined that a permanent ban on all imports of such toys manufactured by such company is equitably justified.''; and

(2) by adding at the end the following:

''(i) Whenever the Commission makes a determination described in subsection (a)(7) with respect to a manufacturer, the Commission shall submit to the Secretary of Homeland Security information that appropriately identifies the manufacturer.

''(j) Not later than March 31 of each year, the Commission shall submit to Congress an annual report identifying, for the 12-month period preceding the report—

''(1) toys classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that—

''(A) were offered for importation into the customs territory of the United States; and

''(B) the Commission found to be in violation of a consumer product safety standard; and

''(2) the manufacturers, by name and country, that were the subject of a determination described in subsection (a)(7)(A) and (B).''.

SA 4099. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—STRATEGIC PETROLEUM RESERVE FILL SUSPENSION AND CONSUMER PROTECTION

SEC. 201. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008, the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method.

(b) RESUMPTION.—The Secretary may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method under subsection (a) not earlier than 30 days after the date on which the Secretary notifies Congress that the Secretary has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel.

SA 4100. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

On page 26, beginning in line 8, strike ''except as provided in subparagraph (C),''.

On page 26, beginning with line 21, strike through line 15 on page 27.

On page 27, line 16, strike ''(D)'' and insert ''(C)''.

On page 27, beginning in line 21, strike ''desdribed in subparagraph (C) of this paragraph, or''.

On page 27, line 24, strike the comma.

On page 29, line 4, strike ''(E)'' and insert ''(D)''.

On page 29, beginning in line 8, strike ''(including a laboratory certified as a third party laboratory under subparagraph (B) of this paragraph)''.

SA 4101. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, 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; as follows:

On page 72, beginning with line 6, strike through line 8 on page 75 and insert the following:

SEC. 26. INSPECTOR GENERAL REPORTS.

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about failures of other employees to properly enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission, including the negotiation of corrective action plans in the recall process; and

(B) the process by which corrective action plans are negotiated by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons regulated by the Commission that are not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

SA 4102. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _01. GET IN LINE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Get in Line Act''.

(b) PROHIBITION ON THE PAYMENT OF INDIVIDUALS TO RESERVE A PLACE IN LINE FOR A LOBBYIST FOR A SEAT AT A CONGRESSIONAL COMMITTEE OR FEDERAL ENTITY HEARING OR BUSINESS MEETING.—

(1) PROHIBITION.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''SEC. 27. PROHIBITION ON THE PAYMENT OF INDIVIDUALS TO RESERVE A PLACE IN LINE FOR A LOBBYIST FOR A SEAT AT A CONGRESSIONAL COMMITTEE OR FEDERAL ENTITY HEARING OR BUSINESS MEETING.

''(a) PROHIBITION.—Any person described in subsection (b) shall not make a payment to an individual to reserve a place in line for a seat for that person at a congressional committee or Federal entity hearing or business meeting.

''(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that retains or employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C).''.

(2) CERTIFICATION.—Section 5(d)(1)(G) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)(G)) is amended—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) in clause (ii), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(iii) has read and is familiar with section 27, relating to paying individuals to reserve seats at congressional committee or Federal entity hearings or business meetings, and has not violated that section.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(c) COMMITTEE HEARING AVAILABILITY.—A committee of the Senate that is unable to accommodate all persons wishing to sit in the hearing room for a committee hearing or business meeting shall—

(1) make all reasonable accommodations for such overflow, including opening up an overflow room with a video monitor showing the hearing or meeting if possible; and

(2) stream the hearing or meeting on the committee website to the extent practicable

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SA 4103. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

On page 5, between lines 21 and 22, insert the following:

(c) TRAINING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) develop standards for training product safety inspectors and technical staff employed by the Commission; and

(B) submit to Congress a report on such standards.

(2) CONSULTATIONS.—The Commission shall develop the training standards required under paragraph (1) in consultation with a broad range of organizations with expertise in consumer product safety issues.

SA 4104. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) proposed an amendment to the bill S. 2663, 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; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) BANNED HAZARDOUS SUBSTANCE.—Effective January 1, 2009, any children's product or child care article that contains a specified phthalate shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply to such product or article.

(b) PROHIBITION ON USE OF CERTAIN ALTERNATIVES TO SPECIFIED PHTHALATES IN CHILDREN'S PRODUCTS AND CHILD CARE ARTICLES.—

(1) IN GENERAL.—If a manufacturer modifies a children's product or child care article that contains a specified phthalate to comply with the ban under subsection (a), such manufacturer shall not use any of the prohibited alternatives to specified phthalates described in paragraph (2).

(2) PROHIBITED ALTERNATIVES TO SPECIFIED PHTHALATES.—The prohibited alternatives to specified phthalates described in this paragraph are the following:

(A) Carcinogens rated by the Environmental Protection Agency as Group A, Group B, or Group C carcinogens.

(B) Substances described in the List of Chemicals Evaluated for Carcinogenic Potential of the Environmental Protection Agency as follows:

(i) Known to be human carcinogens.

(ii) Likely to be human carcinogens.

(iii) Suggestive of being human carcinogens.

(C) Reproductive toxicants identified by the Environmental Protection Agency that cause any of the following:

(i) Birth defects.

(ii) Reproductive harm.

(iii) Developmental harm.

(c) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) applies to a phthalate that is not described in subsection (d)(3);

(2) applies to a phthalate described in subsection (d)(3) that is not otherwise regulated under this section;

(3) with respect to any phthalate, requires the provision of a warning of risk, illness, or injury; or

(4) prohibits the use of alternatives to phthalates that are not described in subsection (b)(2).

(d) DEFINITIONS.—In this section:

(1) CHILDREN'S PRODUCT.—The term ''children's product'' means a toy or any other product designed or intended by the manufacturer for use by a child when the child plays.

(2) CHILD CARE ARTICLE.—The term ''child care article'' means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(3) CHILDREN'S PRODUCT OR CHILD CARE ARTICLE THAT CONTAINS A SPECIFIED PHTHALATE.—The term ''children's product or child care article that contains a specified phthalate'' means—

(A) a children's product or a child care article any part of which contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent; and

(B) a children's product or a child care article intended for use by a child that—

(i) can be placed in a child's mouth; and

(ii)(I) contains any combination of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent; or

(II) contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

SA 4105. Ms. KLOBUCHAR (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

On page 3, beginning with line 16, strike through line 3 on page 4, and insert the following:

''(a)(1) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(A) $88,500,000 for fiscal year 2009;

''(B) $96,800,000 for fiscal year 2010;

''(C) $106,480,000 for fiscal year 2011;

''(D) $117,128,000 for fiscal year 2012;

''(E) $128,841,000 for fiscal year 2013;

''(F) $141,725,000 for fiscal year 2014; and

''(G) $155,900,000 for fiscal year 2015.

''(2) From amounts appropriated pursuant to paragraph (1), there shall shall be made available, for each of fiscal years 2009 through 2015, $1,200,000 for travel, subsistence, and related expenses incurred in furtherance of the official duties of Commissioners and employees with respect to attendance at meetings or similar functions, which shall be used by the Commission for such purposes in lieu of acceptance of payment or reimbursement for such expenses from any person—

''(A) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(B) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

SA 4106. Mrs. FEINSTEIN submitted an amendment intended to be proposed

by her to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

On page 103, after line 12, insert the following:

SEC. 40. INFANT CRIB SAFETY.

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL USER.—

(A) The term ''commercial user'' means—

(i) any person that manufactures, sells, or contracts to sell full-size cribs or non-full-size cribs; or

(ii) any person that—

(I) deals in full-size or non-full-size cribs that are not new or that otherwise, based on the person's occupation, holds oneself out as having knowledge or skill peculiar to full-size cribs or non-full-size cribs, including child care facilities and family child care homes; or

(II) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or non-full-size cribs that are not new.

(B) The term ''commercial user'' does not mean an individual who sells a used crib in a one-time private sale.

(2) CRIB.—The term ''crib'' means a full-size crib or non-full-size crib.

(3) FULL-SIZE CRIB.—The term ''full-size crib'' means a full-size baby crib as defined in section 1508.1 of title 16, Code of Federal Regulations.

(4) INFANT.—The term ''infant'' means any person less than 35 inches tall or less than 2 years of age.

(5) NON-FULL-SIZE CRIB.—The term ''non-full-size crib'' means a non-full-size baby crib as defined in section 1509.2(b) of title 16, Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

(b) REQUIREMENTS FOR CRIBS.—

(1) MANUFACTURE AND SALE OF CRIBS.—It shall be unlawful for any commercial user—

(A) to manufacture, sell, or contract to sell, any full-size crib or non-full-size crib that is unsafe for any infant using it; or

(B) to sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, any full-size or non-full-size crib that is not new and that is unsafe for any infant using the crib.

(2) PROVISION OF CRIBS BY LODGING FACILITIES.—It shall be unlawful for any hotel, motel, or similar transient lodging facility to offer or provide for use or otherwise place in the stream of commerce, on or after the effective date of this section, any full-size crib or non-full-size crib that is unsafe for any infant using it.

(3) ADHERENCE TO CRIB SAFETY STANDARDS.—A full-size crib, non-full-size crib, portable crib, playpen, or play yard, shall be presumed to be unsafe under this section if it does not conform to the standards applicable to the product as listed below:

(A) Part 1508 of title 16, Code of Federal Regulations (relating to requirements for full-size baby cribs).

(B) Part 1509 of title 16, Code of Federal Regulations (relating to requirements for non-full-size baby cribs).

(C) American Society for Testing Materials F406-07 Standard Consumer Safety Specification for Non-Full Size Baby Cribs/Play Yards.

(D) American Society for Testing Materials F1169 Standard Specification for Full-Size Baby Crib.

(E) American Society for Testing and Materials F966-00 Consumer Safety Specification for Full-Size and Non-Full Size Baby Crib Corner Post Extensions.

(F) Part 1303 of title 16, Code of Federal Regulations (relating to banning lead-containing paint).

(G) Any amendments to the regulations or standards described in subparagraphs (A) through (F) or any other regulations or standards that are adopted in order to amend or supplement the regulations or standards described in such subparagraphs.

(4) DESIGNATION AS HAZARDOUS PRODUCT.—A full-size or non-full-size crib that is not in compliance with the requirements of this section shall be considered to be a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057). The Consumer Product Safety Commission shall have the power to enforce the provisions of this section in the same manner that the Commission enforces rules declaring products to be banned hazardous products.

(5) EXCEPTION.—The requirements of this section shall not apply to a full-size crib or non-full-size crib that is not intended for use by an infant, including a toy or display item, if at the time it is manufactured, made subject to a contract to sell or resell, leased, sublet, or otherwise placed in the stream of commerce, it is accompanied by a notice to be furnished by each commercial user declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

(c) EFFECTIVE DATE.—This section shall take effect on the day that is 90 days after the date of the enactment of this Act.

SA 4107. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4104 proposed by Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) to the bill S. 2663, 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; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. SAFETY OF CHILDREN'S PRODUCTS CONTAINING PHTHALATES.

(a) FINDINGS.—Congress finds that—

(1) phthalates are a class of chemicals used in certain plastics to improve flexibility and are used in many products intended for use by young children, including toys and soft plastic books;

(2) concerns have been expressed that the use of phthalates in certain vinyl children's products and child care articles may have potential health risks for children;

(3) pursuant to section 28 of the Consumer Product Safety Act (15 U.S.C. 2077), the Consumer Products Safety Commission (referred to in this section as the ''Commission'') has the authority to convene a Chronic Hazard Advisory Panel (referred to in this section as a ''CHAP''), which shall be expert and independent, to critically assess hazards and risks to human health;

(4) the Commission has previously convened a CHAP to study diisononyl phthalate (referred to in this section as ''DINP''), the phthalate plasticizer most commonly used in soft plastic toys. The CHAP found that exposure to DINP from toys posed little or no risk of injury to children, and the Commission concurred, finding no demonstrated health risk; and

(5) the Commission has not convened a CHAP to assess other phthalates or other plasticizers that are used in children's products and child care articles.

(b) SAFETY STUDY OF CHILDREN'S PRODUCTS CONTAINING PHTHLALATES OR OTHER PLASTICIZERS.—

(1) IN GENERAL.—The Commission shall examine and assess the risks to human health presented by exposure to toys or any other products designed or intended for use by children under 6 years of age that contain phthalates or other plasticizers used to soften vinyl products.

(2) ADVISORY PANEL ON PHTHALATES.—Pursuant to section 28 of the Consumer Product Safety Act (15 U.S.C. 2077), the Commission shall appoint a CHAP to critically assess the risks to human health presented by exposure to toys or any other products designed or intended for use by children under six years of age that contain phthalates or other plasticizers used to soften vinyl products.

(3) DISCRETION TO SUPPLEMENT PRIOR STUDY.—The Commission may update its prior assessment of DINP to the extent determined necessary by the Commission.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that summarizes the relevant scientific evidence pertaining to any significant health risks presented by exposure to toys or any other products designed or intended for use by children under 6 years of age that contain phthalates or other plasticizers used to soften vinyl products.

(c) RULEMAKING.—

(1) INTERIM REGULATION ON CHILDREN'S PRODUCTS CONTAINING DINP.—Notwithstanding the requirements under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), not later than 3 months after the date of the enactment of this Act, the Commission shall promulgate a rule that—

(A) sets limits on the DINP content of toys or any other products designed or intended for use by children under 6 years of age that are consistent with the findings of the CHAP on DINP; and

(B) shall take effect 1 year after the date on which it is promulgated.

(2) FINAL RULE ON SAFETY OF CHILDREN'S PRODUCTS CONTAINING PHTHALATES OR OTHER PLASTICIZERS.—

(A) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Commission, subject to the requirements of section 9(f)(3) of the Consumer Product Safety Act (15 U.S.C. 2058(f)(3)), shall promulgate a final rule to regulate products or categories of products identified in the study described in subsection (b), as reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such products.

(B) ESTABLISHMENT OF LIMITS.—The final rule promulgated under this paragraph shall establish limits for—

(i) the content of phthalates and other plasticizers in products or categories of products identified in the study described in subsection (b) that are consistent with the findings of the CHAP appointed pursuant to subsection (b)(2); and

(ii) the DINP content of toys or any other products designed or intended for use by children under 6 years of age that are consistent with the findings of the CHAP on DINP and any updated assessment of DINP conducted pursuant to subsection (b)(3).

(C) EFFECTIVE DATE.—Notwithstanding the requirements of section 9(g)(1) of the Consumer Product Safety Act (15 U.S.C.

2058(g)(1)), the final rule promulgated under this paragraph shall take effect 1 year after the date on which it is promulgated.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 6, at 10 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the state of facilities in Indian Country—jails, schools, and health facilities.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 12, 2008, at 10 a.m. to hear testimony on ''Is the Myth of In-Person Voter Fraud Leading to Voter Disenfranchisement?''

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 ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 9:30 a.m., in open and closed session in order to receive testimony on the United States Central Command and Special Operations Command in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 4, 2008, at 10 a.m., in order to conduct a hearing entitled ''The State of the Banking Industry.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The purpose of this hearing is to evaluate operational incidents associated with oil spills. The Subcommittee will examine non-tank vessel fuel tank design, the Coast Guard's Vessel Traffic System, and the U.S. vessel pilot system.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, March 4, 2008, at 10:00 a.m., in room SD 366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding Energy Information Administration's revised Annual Energy Outlook.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 9:30 a.m. in SD–410, in order to conduct a hearing on Kosovo.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m. in order to conduct a closed hearing entitled ''NSPD–54/HSPD–23 and the Comprehensive National Cyber Security Initiative.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, March 4, in order to conduct a joint hearing with the House Veterans' Affairs Committee to hear the legislative presentation from the Veterans of Foreign Wars of the U.S. The Committee will meet in room 216 of the Hart Senate Office Building, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 4, 2008, at 2:30 p.m. in order to hold a closed hearing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m., in open and closed session in order to receive testimony on military space programs in review of the defense authorization request for fiscal year 2009 and the future years defense program.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND THE AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, March 4, 2007, at 10 a.m. in order to conduct a joint hearing entitled, ''Is Housing Too Much To Hope For?: FEMA's Disaster Housing Strategy.''

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

PRIVILEGES OF THE FLOOR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Christopher Day and Bill Couch, members of my staff, be granted floor privileges during the consideration of S. 2663, the CPSC Reform Act.

PERMISSION TO VOTE BY PROXY

Mr. PRYOR. Mr. President, I ask unanimous consent, notwithstanding rule XXVI, paragraph 7, of the Standing Rules of the Senate and rule III of the Senate Budget Committee rules, that any member of the committee be permitted to vote by proxy, with the concurrence of the chair and ranking member of the committee, at the meeting of the Senate Budget Committee on March 6, 2008, and that any vote cast on behalf of that member by proxy in the Budget Committee on that date be treated by the committee as if that member were physically present but the proxy not count for the purposes of establishing a quorum present; and that if the Budget Committee orders reported a concurrent resolution on the budget for fiscal year 2009 on that date, such measure be deemed to have been ordered reported in compliance with rule XXVI, paragraph 7, of the Standing Rules of the Senate and the rules of the Senate Budget Committee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HONORING THE LIFE OF MYRON COPE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 467 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 467) honoring the life of Myron Cope.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 467) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 467

Whereas Myron Cope was a legendary Pittsburgher and voice of the Pittsburgh Steelers for an unprecedented 35 seasons from 1970 to 2005;

Whereas Myron Cope died the morning of February 27th, 2008, at the age of 79;

Whereas it is the intent of the Senate to recognize and pay tribute to the life of Myron Cope, his service to his community, and his legacy with the Pittsburgh Steelers, the game of football, and the city of Pittsburgh;

Whereas Myron Cope is best known for his quirky catch phrases and for creating the ''terrible towel'', which is twirled at Steelers games as a good luck charm and has since developed into an international symbol of Pittsburgh Steelers pride;

Whereas Myron Cope coined the phrase ''Immaculate Reception'', which became a household term to describe the game-winning play in the Steelers' 1972 American Football Conference Divisional playoff victory against the Oakland Raiders, one of the most notable plays in all of National Football League and sports history;

Whereas Myron Cope spent the first half of his professional career as one of the Nation's most widely read freelance sports writers, writing for Sports Illustrated and the Saturday Evening Post;

Whereas Myron Cope became the first professional football broadcaster to be elected to the National Radio Hall of Fame in 2005;

Whereas Myron Cope became so popular that the Steelers did not try to replace him when he retired in 2005, instead downsizing from a 3-man announcing team to 2;

Whereas Myron Cope served his community on the board of directors of the Pittsburgh Chapter of the Autism Society of America and the highly successful Pittsburgh Vintage Grand Prix charity auto races, of which he was a co-founder;

Whereas Myron Cope also served on the Tournament Committee of the Myron Cope/Foge Fazio Golf Tournament for Autistic Children;

Whereas, in 1996, Myron Cope contributed his ownership of ''The Terrible Towel'' trademarks to Allegheny Valley School, an institution for the profoundly mentally and physically disabled;

Whereas Myron Cope was born in Pittsburgh on January 23, 1929, and lived all but a few months of his life in Pittsburgh; and

Whereas the passing of Myron Cope is a great loss to the city of Pittsburgh and the game of football, and his life should be honored with highest praise and respect for his heart of black and gold: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Myron Cope as a familiar voice to every Pittsburgher and football fan alike, and his beloved persona which will live on in the hearts of Pittsburghers and Steelers fans for generations to come; and

(2) recognizes the outstanding contributions of Myron Cope to the city of Pittsburgh, the game of football, and the Pittsburgh Steelers.

NATIONAL GLANZMANN'S THROMBASTHENIA AWARENESS DAY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 471, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 471) designating March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day''.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 471) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 471

Whereas Glanzmann's Thrombasthenia affects men, women, and children of all ages;

Whereas Glanzmann's Thrombasthenia is a very distressing disorder to those who have it, causing great discomfort and severe emotional stress;

Whereas children with Glanzmann's Thrombasthenia are unable to participate in many normal childhood activities including most sports and are often subject to social discomfort because of their disorder;

Whereas Glanzmann's Thrombasthenia includes a wide range of symptoms including life-threatening, uncontrollable bleeding and severe bruising;

Whereas Glanzmann's Thrombasthenia is frequently misdiagnosed or undiagnosed by medical professionals;

Whereas currently there is no cure for Glanzmann's Thrombasthenia;

Whereas it is essential to educate the public on the symptoms, treatments, and constant efforts to cure Glanzmann's Thrombasthenia to ensure early diagnosis and treatment of the condition;

Whereas Helen P. Smith established the Glanzmann's Thrombasthenia Research Foundation in Augusta, Georgia, in 2001; and

Whereas Helen P. Smith and the Glanzmann's Thrombasthenia Research Foundation have worked tirelessly to promote awareness of Glanzmann's Thrombasthenia and help fund research on the disorder: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day'';

(2) urges all people of the United States to become more informed and aware of Glanzmann's Thrombasthenia; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Glanzmann's Thrombasthenia Research Foundation.

COMMENDING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 472 submitted earlier today by Senator LIEBERMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 472) commending the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers nationwide for their dedicated service in protecting the people of the United States and the Nation from acts of terrorism, natural disasters, and other large-scale emergencies.

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

Ms. COLLINS. Mr. President, I am pleased to join Senator LIEBERMAN in support of S. Res. 472, commending the employees of the Department of Homeland Security on the Department's fifth anniversary, and honoring their partners at all levels of Government, the private sector, and the millions of men and women in law enforcement, the fire service, emergency-medical services, and other emergency-response professions who risk their lives to protect us.

Five years ago, on March 1, 2003, the Department of Homeland Security commenced operations as a new organizational umbrella over 22 federal agencies and with new responsibilities for developing and coordinating an integrated, all-hazards approach to planning for, mitigating against, responding to, and recovering from major disasters.

Creating DHS was a critical part of our national response to the terrorist attacks of September 11, 2001. We are safer today because of the work of the Department's dedicated employees and because of their support and coordination with State, local, tribal, and nonprofit agencies with emergency-management, prevention, and response responsibilities.

The Department was severely tested in the Hurricane Katrina catastrophe of 2005, and extensive investigation by the Committee on Homeland Security and Governmental Affairs identified serious flaws in the Department's response. But, spurred by legislation that Senator LIEBERMAN and I authored in 2006, the Department has taken significant strides in improving its response and recovery capabilities. The Department's responses to recent disasters, such as the wildfires in California, the Patriots' Day storm in Maine, and the

recent tornadoes in the South, visibly demonstrate these improvements.

The task of integrating the 22 agencies and more than 200,000 employees that compose the Department has not always gone smoothly. As the Government Accountability Office justly observed in a progress report on DHS last summer, however, ''successful transformations of large organizations, even those faced with less strenuous reorganizations than DHS, can take 5 to 7 years to achieve.'' The Department has made significant progress. Congress must help it make more.

On this noteworthy anniversary, I salute the men and women of DHS and all of their partners who protect our borders, transportation hubs, critical infrastructure, seaports, and—above all—our people. This Senate resolution is a small but heartfelt expression of our gratitude, our respect, and our commitment to the future of this Department.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 472) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 472

Whereas it has been almost 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas al-Qaeda and affiliated or inspired terrorist groups remain committed to plotting attacks against the United States, its interests, and its foreign allies, as evidenced by recent terrorist attacks in Great Britain, Algeria, and Pakistan, and disrupted plots in Germany, Denmark, Canada, and the United States;

Whereas the Nation remains vulnerable to catastrophic natural disasters, such as Hurricane Katrina, which devastated the Gulf Coast in August 2005;

Whereas the President has declared more than 400 major disasters and emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act since 2000, in response to a host of natural disasters, including tornadoes, floods, winter storms, and wildfires that have overwhelmed the capabilities of State and local governments;

Whereas acts of terrorism, natural disasters, and other large-scale emergencies can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to the Nation's critical infrastructure, and inflicting billions of dollars of costs on both the public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing risk to the Nation from a full range of potential catastrophic incidents, Congress established the Department of Homeland Security on March 1, 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing information analysis, infrastructure protection, and science and technology, and focusing its more than 200,000 employees on the critical mission of defending the Nation against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal departments and agencies and partners at all levels of government to help secure the Nation's borders, airports, sea and inland ports, critical infrastructure, and people against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas the Nation's firefighters, law enforcement officers, emergency medical services personnel, and other emergency response providers selflessly and repeatedly risk their lives to fulfill their mission to help prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary individuals across the country have been working in cooperation with the Department of Homeland Security and other Federal departments and agencies to enhance the Nation's ability to prevent, protect against, prepare for, and respond to natural disasters, acts of terrorism, and other large-scale emergencies; and

Whereas the people of the United States can assist in promoting the Nation's overall preparedness by remaining vigilant, reporting suspicious activity to proper authorities, and preparing themselves and their families for all emergencies, regardless of their cause: Now, therefore, be it

Resolved, That the Senate—

(1) on the occasion of the fifth anniversary of the establishment of the Department of Homeland Security, commends the public servants of the Department for their outstanding contributions to the Nation's security and safety;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and individuals across the country for their efforts to enhance the Nation's ability to prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

(3) expresses the Nation's appreciation for the sacrifices and commitment of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers in preventing, protecting against, preparing for, and responding to acts of terrorism, natural disasters, and other large-scale emergencies;

(4) urges the Federal Government, States, local governments, Indian tribes, schools, nonprofit organizations, businesses, other entities, and the people of the United States to take steps that promote individual and community preparedness for any emergency, regardless of its cause; and

(5) encourages continued efforts by every individual in the United States to enhance the ability of the Nation to address the full range of potential catastrophic incidents at all levels of government.

ORDERS FOR WEDNESDAY, MARCH 5, 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, March 5; that 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 be reserved for their use later in the day, and that the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, I ask that following morning business the Senate resume consideration of S. 2663, a bill to reform the Consumer Product Safety Commission.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Wednesday, March 5, 2008, at 9:30 a.m.

EXTENSIONS OF REMARKS

CONGRATULATING DR. PATRICK KERRIGAN ON THE OCCASION OF BEING NAMED ''MAN OF THE YEAR'' BY WILKES-BARRE FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Patrick J. Kerrigan, D.O., of Wilkes-Barre, Pennsylvania, who was named 2008 ''Man of the Year'' by the Friendly Sons of St. Patrick of Greater Wilkes-Barre.

Dr. Kerrigan's contribution to the field of medicine in northeastern Pennsylvania has been truly impressive. Since 1986, he has been engaged in the private practice of family medicine in Wilkes-Barre. He is a provider of geriatric medical care at several nursing homes in the greater Wilkes-Barre area. He is also active in sports medicine, having served as team physician at the little league, high school and college levels.

Dr. Kerrigan has also been active in medical education with the Philadelphia College of Osteopathic Medicine. For 2 years, he served as a member of the board of directors for the Luzerne County Medical Society. Dr. Kerrigan has also lectured extensively over the years at nursing homes, institutions of higher learning and before the general public on topics that included AIDS, managed care, common orthopedic injuries, heart disease, preventive medicine and physician career choices.

Dr. Kerrigan was appointed medical director of the Heritage House, a skilled nursing facility, in 2003. In 2006, he became medical director of Erwine's Home Hospice Group. Dr. Kerrigan was named president-elect of the medical staff of the Wyoming Valley Health Care System in January, 2007, where he also serves as chairman of the medical executive committee and as a member of the board of directors.

In 2006, Dr. Kerrigan was awarded the ''Key to the City of Wilkes-Barre'' for 20 years of community service.

Dr. Kerrigan is a member of the Luzerne County, Pennsylvania and American Medical Societies. He is also a member of St. Mary's of the Immaculate Conception Roman Catholic Church where he served as a lector. He is also a former member of the board of directors of the Friendly Sons of St. Patrick of Greater Wilkes-Barre.

Madam Speaker, please join me in congratulating Dr. Kerrigan on this auspicious occasion. Dr. Kerrigan's determination and commitment to benefit his home town is entirely evident in the vast contributions he has made over the years to improve the quality of life for his fellow citizens. His selection as ''Man of the Year'' is a well deserved honor.

COMMEMORATING THE ANNIVERSARY OF THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. FATTAH. Madam Speaker, I rise today to commemorate the 200th anniversary of U.S. abolition of the slave trade, which marked a historic turning point in our Nation's history.

On March 2, 1807, President Thomas Jefferson signed a bill, which became effective January 1, 1808, abolishing the transatlantic slave trade. The issue of slavery had long been a contentious issue that divided Americans, with those in favor of abolition and those against struggling to reach a compromise. The abolition of the transatlantic slave trade was one step in the quest to end slavery, but the path to full social, political, and economic equality for African Americans would be a long upward battle that would not be reached for over 100 years.

While our forefather's move to formally end the U.S. participation in the transatlantic slave trade was a giant leap toward racial equality, the ''color line,'' as W.E.B. Dubois has called it, still divides America. Even though it has been over a hundred years since the Emancipation Proclamation, the remnants of slavery still exist in the black community, and in America as a whole.

African Americans in the underclass of our cities and the rural areas of the South continue to battle challenges including a dearth of affordable housing, unemployment and a lack of educational attainment. These problems continue to shake the foundations of the black community. African American men and women still bring home smaller paychecks than their white counterparts, African American children still suffer from a lack of qualified teachers and educational resources when compared with their privileged white peers and African American neighborhoods are still under siege from street violence and urban crowding. These problems are not only representative of the pervasive social and economic injustice between the races; these problems are tearing at the threads of the American social fabric.

Despite these challenges, African Americans have made considerable progress. With advancements such as the 14th and 15th Amendments, the Voting Rights and Civil Rights Acts, African Americans began to participate more fully in American life. Since the hard-fought accomplishments of the 20th century, African Americans are now participating in the political, economic, and cultural life of America more than ever before. The commemoration of the bicentennial of the U.S. abolition of the slave trade will allow us to take time to reflect on how far America has come in reaching its dream of racial equality, but it should also serve as a reminder that as a nation we still have work to do before we can finally erase the color line that divides us.

A TRIBUTE TO THOMAS PATRICK BECK RECIPIENT OF THE 2008 DONALD WRIGHT AWARD

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Thomas Patrick Beck upon receiving the prestigious Donald Wright Award for distinguished service to the community from the Pasadena Bar Association.

Mr. Beck is a founding partner of Thon, Beck & Vanni, formerly known as Thon & Beck, a highly rated and respected law firm in Pasadena, California, that is celebrating thirty years of existence. Thon, Beck & Vanni specializes in representing seriously injured tort victims.

A member of the American Board of Trial Advocates, Tom is enthusiastically involved in all aspects of his profession. He is a past president of the Pasadena Bar Association, a former board of trustee member of the Los Angeles County Bar Association, and was on the Los Angeles Superior Court Bench and Committee. He is a former president of the Irish American Bar Association and is a founding member of the Cowboy Lawyers Association.

Mr. Beck's professional accomplishments include being a three-time nominee for Los Angeles Trial Lawyers Association's (now known as Consumer Attorneys Association of Los Angeles) Trial Lawyer of the Year, and his recent election as a Fellow of the American College of Trial Lawyers.

Tom is an active participant in many community organizations. Some of his past volunteer affiliations include the Pasadena Tournament of Roses Association, Loyola Marymount University Alumni Association board of directors, and coaching for Little League, YMCA Basketball and the American Youth Soccer Organization. In 2006, he received the Lasallian Volunteer of the Year Award from LaSalle High School in Pasadena.

Currently, Tom is the chairman of the Methodist Hospital of Southern California Foundation Board, chairman of the Executive Committee of the St. Thomas More Society of Los Angeles, a mentor/benefactor of San Miguel Catholic School, and a member of Helps International.

I ask all Members of Congress to join me in congratulating Thomas Patrick Beck upon receiving the Pasadena Bar Association's 2008 Donald Wright Award and wish him continued success.

TRIBUTE TO THE 100TH BIRTHDAY OF THE SETTLEMENT MUSIC SCHOOL

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and celebrate the 100th birthday of Settlement Music School, the largest community school of music in the United States. Settlement Music School originated in 1908 at the College Settlement House, a social service center for newly arrived immigrants in south Philadelphia when two young women volunteers, Jeannette Selig and Blanche Wolf, offered piano lessons for a nominal fee. Their effort grew into an independent community school of the arts. Today, there are six Settlement branches serving every zip code in the Greater Philadelphia region. The Jenkintown and Kardon-Northeast branches of Settlement Music School are located in my Congressional District, serving residents of Montgomery County and northeast Philadelphia.

Since its inception, the mission of Settlement Music School has been to provide community-based music and arts instruction and activity to students of all ages, races, religions, economic standings, talent levels and music preferences. In addition to the school's core program, it offers educational and enrichment programs for disabled children and adults, preschool programs for low-income inner-city children, and a Teacher Training Institute to disseminate best practice techniques to the broader educational community. Settlement Music School tuition fees have remained modest with over 60 percent of the student population receiving financial aid.

Annually, close to 15,000 students participate in music, dance and visual arts programs guided by a faculty of experienced and credentialed musicians. Settlement Music School is the largest employer of musicians in Pennsylvania, providing a source of income for many freelance musicians. Since its opening, Settlement Music School has served over 300,000 students. Today there are Settlement graduates in every major symphony in the United States, as well as alumni who have distinguished themselves in the worlds of opera, theater, popular music, and jazz. Settlement Music School has produced Pulitzer prize-winning composers and former students have served as Mayor of Philadelphia, Philadelphia City Council member, Pennsylvania Senator and Representative, and Member of Congress.

Settlement Music School will celebrate this milestone centennial year with banquets, concerts and recitals featuring alumni and present-day students. Settlement Music School will honor the "Settlement 100"—a roster of diverse Settlement alumni whose experiences at Settlement Music School helped to shape their lives.

Madam Speaker, I ask that my colleagues join me in congratulating Settlement Music School's centennial milestone and wishing the alumni, students, teachers, and board directors much continued success.

TRIBUTE TO THE 162ND ANNIVERSARY OF METROPOLITAN AME ZION CHURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues in the House of Representatives to join me as I rise to acknowledge the Metropolitan African Methodist Episcopal Zion Church in Jersey City, New Jersey, on the celebration of its 162nd anniversary. Metropolitan AME Zion Church, established in 1846, has a long and rich history as the oldest African-American congregation in Jersey City.

Metropolitan AME Zion Church grew out of the John Street Methodist Church, established in 1796 near the African Burial Ground National Monument in New York City. Since its founding in Jersey City 19 years before the United States abolished slavery, the church has occupied several locations in Jersey City and thrived under the leadership of a long line of dedicated pastors.

On March 27, 1968, Metropolitan hosted Reverend Dr. Martin Luther King, Jr., for what would be one of his final speeches. He addressed an overflow crowd of more than 2,000 people promoting his "Poor People's march on Washington."

The deep history of Metropolitan AME Zion Church is a story of strong faith and passionate work on behalf of the surrounding community. Theirs is a journey that we hope will continue for many years to come. I am pleased to congratulate the Metropolitan Church and its current pastor Reverend Nathaniel B. Legay on this momentous occasion.

Madam Speaker, I know my colleagues join me in wishing the Metropolitan African Methodist Episcopal Zion Church of Jersey City a joyous anniversary and best wishes for the future.

IN TRIBUTE TO PERCY JULIAN, JR.

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I rise to honor the life of Mr. Percy Julian, Jr., a pioneering civil rights and civil liberties attorney from my home State of Wisconsin. My friend, Percy Julian, Jr., passed away on February 24, 2008, at the age of 67.

Mr. Percy Julian, Jr. helped to make the civil rights laws passed in the Martin Luther King, Jr. era real tools for justice. He became best known for representing University of Wisconsin-Madison students charged in the Dow Chemical demonstrations in the 1960s, and further for handling pioneering employment discrimination and voting rights class action suits across the United States, often in cooperation with the NAACP Legal Defense Fund.

Percy Julian, Jr. grew up in the Chicago area but made Wisconsin his home. He was son to Percy Julian, Sr., an acclaimed scientist of the 20th century. A 2-hour documentary on Julian Sr., "Forgotten Genius," which aired last year, not only highlighted his enormous contributions as a chemist, but also detailed how racism had hampered his career. Julian, Jr. said of his father in the documentary, "My father took advantage of the country's promise of equality, but was in some ways undone by the country's failure to live up to that promise." Julian Jr. spent much of his legal career insuring the country met its promises.

Percy Julian, Jr. was both a fierce advocate and a model for other attorneys in promoting the importance of civility. While serving as a State senator in Wisconsin, I called upon Percy Julian, Jr. to utilize his expertise on voting rights and civil rights issues. His presence often caused the other side to retreat rather than face his formidable knowledge base.

He is survived by his wife, Jan Blackmon; daughter, Kathy Julian; and sister, Faith Julian. Wisconsin and our country have lost a valuable leader and a civil rights and civil liberties pioneer. Percy Julian, Jr.'s work in the areas of fair housing, voting rights, school desegregation, and first amendment issues have proved invaluable in preserving the rights of all people in our State and our Nation. I extend my condolences to his family and friends on this tremendous loss. Madam Speaker, for these reasons, I am honored to pay tribute to Percy Julian, Jr.

RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2008

Mr. STUPAK. Madam Speaker, on February 27, 2008 the U.S. House of Representatives agreed to suspend the rules and pass H.R. 5264 by voice vote. Had I been given the opportunity to vote on this measure I would have voted "no" on H.R. 5264, the Trade Preference Extension Act of 2008.

In fact, prior to the voice vote on H.R. 5264, I sent a Dear Colleague with Representatives DALE KILDEE and MARCY KAPTUR to all Members of the U.S. House of Representatives urging our colleagues to vote against extending the Andean Trade Preference Act.

The Trade Preference Extension Act of 2008 extends the Andean Trade Preference Act for another 10 months. Since the last extension, 8 months ago, Congress has still not adequately addressed fundamental problems of labor practices in the region and the agreement's effect on U.S. agriculture. Furthermore, with the on-going debate surrounding the Colombia Free Trade Agreement it is irresponsible to simply extend these preferences without thorough discussions.

Originally passed in 1991, the Andean Trade Preference Act, ATPA, was designed to develop economic alternates to narcotics production in Bolivia, Colombia, Ecuador, and Peru. However, ATPA has failed to reduce cocaine production, but it has harmed American farmers.

In both Colombia and Peru, the size and production of illegal drug crops has remained virtually unchanged. In a 2001 report to Congress, the U.S. Foreign Agricultural Service said that they "do not believe that Peruvian asparagus production provides an alternative

economic opportunity for coca producers and workers—the stated purpose of the Act.''

As a result of the ATPA, the U.S. had a $10 billion trade deficit with the four ATPA countries in 2006. Specifically, the asparagus and fresh-cut flower industries have been severely hurt by lower prices. Since the implementation of ATPA, asparagus acreage in the United States dropped from 90,000 acres in 1991 to under 49,000 acres in 2006.

There are 40,000 flower workers in Ecuador and over 100,000 in Colombia working to grow, harvest, and package flowers. Unfortunately, these workers routinely experience labor rights violations including violations of the right to freedom of association. H.R. 5264 does not include stronger labor provisions.

Before agreeing to extend the Andean Trade Preferences Act for a third time, Congress should have taken a closer look at damage it has done to American farmers and how it has failed to reduce illegal drug production in Bolivia, Colombia, Ecuador, and Peru.

TRIBUTE TO JUDGE JOSE FRANCISCO ''FRANK'' TORRES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to honor the life of Judge Jose Francisco ''Frank'' Torres, a native of southern Colorado and until his passing a resident of the 3rd Congressional District of New Mexico.

Judge Frank Torres was a crusader for civil rights who upon retirement lived in New Mexico, the home of his ancestors, for 21 years. He was descended from the original Spanish colonists that arrived with General Juan De Onate in 1598 to establish the first European settlement in the United States. He was married to Crusita Kimball Torres, who was a descendant of the first territorial Governor of New Mexico. His daughter, Eva Torres Ashenbrenner, is my constituent, renowned for her involvement in the community and for her love and commitment to New Mexico and its cultural heritage. She continues her father's tradition of community involvement and public service.

Judge Torres practiced and taught good citizenship throughout his life and brought the highest moral values and standards not only to each position he occupied, but to his private life as well.

Judge Torres was an accomplished man who despite adversity became one of the first Hispanic attorneys in Colorado. Among his many accomplishments, Judge Torres strongly opposed the activities of the Ku Klux Klan, organized the first credit unions in southern Colorado in 1938, and was actively involved in the Boy Scouts of America for some 70 years, earning its highest honors ''the silver beaver award,'' for his leading of Troops and service on the Boy Scouts Regional Council. Also, during the Depression years Judge Torres organized and directed a charitable homeless persons shelter in Trinidad, Colorado, which was one of the earliest efforts in the region.

He provided strong and equal legal representation to everyone, including those too poor to afford legal representation. He worked to secure the rights and interests of the elderly poor and defended the Alianza Hispano Americana in legal cases brought by the State of Arizona to take control of that organization.

Judge Torres organized and was elected president of the Colorado Spanish American Club, served as president of the Colorado State Board of credit unions, was elected vice-president of the Colorado Young Democrats, and worked as legal counsel to the Las Animas County Catholic Church's Knights of Columbus, representing them at national conventions.

Judge Torres was well known in Santa Fe, New Mexico, and befriended notable New Mexican historians such as Fray Angelico Chavez and Orlando Romero and other notable figures such as Raphael Chacon, Casimire Barela, Elfego Baca, and former Congressman Bronson Cutting.

Madam Speaker, Frank Torres was a crusader during his time as an attorney and judge, and it is fitting that he is honored for his great work and service to the people of Colorado and New Mexico.

THE NATIONAL OCEAN EXPLORATION PROGRAM ACT

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SHEA-PORTER. Madam Speaker, I was pleased to cosponsor and vote for the National Ocean Exploration Program Act, H.R. 1834, which authorizes two excellent and successful National Oceanic and Atmospheric Administration, NOAA, programs, the Natonal Undersea Research Program, NURP, and the Ocean Exploration program, OE.

While new technologies have enabled us, for example, to create high-resolution maps of the sea floor, to measure plate movements, or to study ocean processes quantitatively, the world's oceans remain, to a great extent, unknown. We know so little about the ocean's living creatures, nonliving resources, and processes. We don't know enough about the impact of global climate and other environmental change on the ocean. Ocean exploration and ocean research complement each other. Because of the importance of our oceans to life on earth, we need to step up the pace of both exploration and research to be able to make informed decisions about issues related to the ocean.

This bill promotes integration of the two programs, combining their strengths and capabilities, in order to serve our country and NOAA more effectively. NURP has maintained a network of regional centers of undersea science and technology for 30 years, while OE, when established in 2001, began a national effort to explore the ocean. Both programs have been collaborating in development of innovative technologies for exploration, and on voyages of exploration, such as an expedition in the South Pacific that discovered new marine environments and ecosystems.

The complementary relationship between the two programs within NOAA will make the whole greater than the sum of its parts. The bill's authorization of these programs will help provide the best scientific information on ocean habitats and other phenomena, and will ensure that this information is widely distributed. We must explore and work to reveal the unknown so that we can deepen our understanding of crucial oceanic environmental issues and inspire scientists, educators, decision-makers, and the public to learn more about the ocean. In the coming years, America's economic, environmental and national security may depend on our knowledge of the ocean, and our understanding of how it sustains life on earth.

TRIBUTE TO THE PEACE CORPS 47TH ANNIVERSARY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. EHLERS. Madam Speaker, I rise today to express my support and appreciation for the Peace Corps on their 47th anniversary. Since 1961, more than 190,000 American volunteers have served in 139 developing countries around the world. Since its founding, the Peace Corps has sought to meet its legislative mandate of promoting world peace and friendship by sending American volunteers to serve at the grassroots level in villages and towns abroad, These Peace Corps volunteers live and work with local people, helping them improve their lives, and helping them understand American culture. The volunteers often work as teachers, environmental and agriculture specialists, health promoters, and small business advisors.

I have been an extremely strong supporter of the Peace Corps ever since President John F. Kennedy first proposed it in a speech in Ann Arbor, Michigan, many years ago. The Peace Corps is one of America's most effective ways to share our compassion and values abroad, and, in many instances, the volunteers play the important role of dispelling myths about the U.S. I would dearly love to see the Peace Corps double or triple in size.

I also praise and recognize those volunteers from the Third Congressional District of Michigan who are currently serving abroad in the Peace Corps. My thanks go out to: Chad Anderson, serving in Uganda; Brent Benner, serving in Peru; Edna Bermejo, serving in Mauritania; Brendan Brink-Halloran, serving in Guatemala; Amanda Collier, serving in Romania; Christopher De Bruyn, serving in Mongolia; Adrienne Gilbert, serving in the Dominican Republic; Sara Igleski, serving in Jordan; Rachel Jacobs, serving in Zambia; Joshua Johnson, serving in Romania; Jeffrey Luehm, serving in El Salvador; Elizabeth Smith, serving in Senegal; Joseph Stevens, serving in Bolivia; Daniel Vander Ploeg, serving in Kazakhstan; Meredith Vanover, serving in Ukraine; Kirstin Webster, serving in Romania; Daniel Westerhof, serving in Paraguay; and Michael Wilcox, serving in Senegal.

Again, congratulations to the Peace Corps on their 47th anniversary. I thank and commend all of those who so faithfully volunteer to serve our Nation abroad.

HONORING WIL COOKSEY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. LEWIS of KENTUCKY. Madam Speaker, I rise today to recognize Wil Cooksey for his service to the Commonwealth of Kentucky. Mr. Cooksey, a resident of Bowling Green, Kentucky, recently retired as plant manager of the General Motors Bowling Green Assembly Plant.

Mr. Cooksey served as plant manager at the ''Home of the Corvette'' since 1993. The Bowling Green facility employs approximately 1,000 total employees and assembles 35,000 Chevrolet Corvettes and 4,000 Cadillac XLRs per year. Under Mr. Cooksey's leadership the Corvette team has earned more than 70 automotive industry awards since 1997 including Motor Trend Car of the Year, JD Power Silver Plant Award, JD Power APEAL Award, and Car and Driver Top 10.

Mr. Cooksey has been a successful advocate for building diversity at the Bowling Green facility, recruiting qualified minority students from schools not used in the past. Mr. Cooksey has also been active on the Executive Advisory Board of Advancing Minorities' Interest in Engineering and 100 Black Men of America Inc. For his hard work, Mr. Cooksey was recently awarded the Civil Rights Humanitarian Award by the State Street Baptist Church.

Mr. Cooksey is also an active member of the Greenview Hospital board of directors, the boards of the National Corvette Museum, Tennessee State University, Western Kentucky University's College of Education and Behavioral Science, and the Drug Abuse Resistance Education Advisory Council.

It is my privilege to honor Wil Cooksey today, before the entire United States House of Representatives, for his service to the Bowling Green community. I wish Wil, and his wife Elizabeth, a happy and healthy retirement.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. FORTENBERRY. Madam Speaker, from late January 29 through February 7, 2008, I was unavoidably detained due to my daughter's heart surgery.

On January 29, I missed rollcall votes Nos. 27 and 28. Had I been present, I would have voted ''aye'' on both votes.

On February 6, I missed rollcall votes Nos. 29 through 31. Had I been present, I would have voted ''aye'' on all three votes.

On February 7, I missed rollcall votes Nos. 32 through 42. Had I been present, I would have voted ''nay'' on Nos. 32, 33, 36, 37, and 38, and ''aye'' on Nos. 34, 35, 39, 40, 41, and 42.

CONGRATULATING MR. JAY DELANEY ON THE OCCASION OF BEING NAMED ''MAN OF THE YEAR'' BY THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Jay Delaney, of Hughestown, Pennsylvania, who was selected as the 2008 ''Man of the Year'' by the Greater Pittston Friendly Sons of St. Patrick.

Mr. Delaney is a lifelong resident of the Greater Pittston community and is a leader in business, civic, and government affairs. He presently serves as executive assistant to Pennsylvania State Senator Raphael Musto, a post he has held since 1994.

Mr. Delaney was associated with Wilson Foods Corporation from 1952 to 1994, retiring as regional sales manager for the northeastern United States covering eight States including Washington, DC. He was named manager of the year in 1987 after he earned a place in the ''General's Club'' of Wilson Foods in 1982. Also in 1987, he became president of the prestigious Wilson Foods Ring Club.

Mr. Delaney was mayor of Hughestown borough from 1982 to 1989. He served as a member of Hughestown borough council from 1969 to 1977. He was also chairman of the Hughestown Democratic organization for 4 years and successfully chaired the special election to the 11th Congressional District in 1980 on behalf of then State Representative Raphael Musto.

He is a member of the Blessed Sacrament Church, Hughestown; a former member of the Earth Conservancy Land Use Planning Committee; former member of the American Heart Association and former member of the Luzerne County Democratic Executive Committee. He has received national recognition by the American Cancer Society, Cystic Fibrosis Foundation, Muscular Dystrophy Association, and St. Jude's Children's Hospital. He has served on the board of directors of the Harvey's Lake Yacht Club and is a charter member of the Nutty Buddy Club of Greater Pittston. He is a life member of the John F. Kennedy Council 372, Knights of Columbus and its Fourth Degree Assembly; the Greater Pittston Friendly Sons of St. Patrick; life member of the Hughestown Hose Company; and a member of the Salvation Army advisory board.

Mr. Delaney and his wife, Dorothy, to whom he has been married for 51 years, are the parents of four children and seven grandchildren.

Madam Speaker, please join me in congratulating Mr. Delaney on this special occasion. Mr. Delaney's service to family and community is extraordinary and an inspiration to all. His selection for this honor reflects the respect with which he is held by his neighbors and peers.

IN SUPPORT OF THE NATIONAL URBAN LEAGUE'S ''THE OPPORTUNITY COMPACT,'' A BLUEPRINT FOR ECONOMIC EQUALITY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. FATTAH. Madam Speaker, as Chairman of the Congressional Urban Caucus, it gives me great pleasure to welcome Marc H. Morial, President and CEO of the National Urban League (NUL), and delegations from Urban League affiliates from around the country to Washington, DC for their 5th Annual Legislative Policy Conference on March 5–6, 2008. Over the course of these two days, the NUL unveils its annual landmark State of Black America report, meets with Congressional leaders, and brings a slate of key policy recommendations to members of both houses.

Established in 1910, the National Urban League is the Nation's oldest and largest civil rights organization devoted to empowering African Americans to thrive in the economic and social mainstream. Today, the National Urban League, headquartered in New York City, spearheads the non-partisan efforts of its 101 local affiliates in 36 states and the District of Columbia, providing direct services to more than 800,000 people annually, and impacting millions more through its advocacy and research.

This year the NUL and its affiliate delegates are bringing to Congress an important blueprint for economic equality known as The Opportunity Compact. The Compact is a comprehensive set of principles and policy recommendations set forth by the National Urban League (NUL) designed to empower all Americans to be full participants in the economic and social mainstream of this Nation. In pursuit of this end, the NUL (1) identifies principles that reflect the values inherent in the American dream; (2) examines the conditions that have separated a significant portion of the American population—particularly the poor and disadvantaged residents of urban communities—from accessing that dream; (3) proposes, for honest evaluation and discussion, several policy recommendations intended to bridge the gap between conceptualization and realization of the American dream.

The Opportunity Compact is the culmination of extensive research and policy analysis by the National Urban League Policy Institute (NULPI) and is based upon the input of dozens of policy experts from academia, public policy think tanks, non-profit service and advocacy organizations, the business sector, and the Urban League movement. Among other things, the NULPI hosted a series of five roundtable discussions and obtained feedback and recommendations from numerous experts concerning the development of a coherent and comprehensive plan for empowering the Nation's urban communities. As the foundation for such a plan, NUL has clearly identified four cornerstones that reflect the values represented by the American dream: (1) The Opportunity to Thrive (Children), (2) The Opportunity to Earn (Jobs), (3) The Opportunity to Own (Housing) and (4) The Opportunity to Prosper (Entrepreneurship). These cornerstones are supported by a list of ten policy priorities.

Each of these opportunities for upward economic and social mobility are available in few other countries outside the United States. Therefore, maintaining equal access to these opportunities is a vital part of preserving the very principles that make this country unique and will prove to be an effective way to eliminate gaps in income, wealth and educational attainment within this country that are too often defined along the lines of race or socioeconomic status.

The Opportunity Compact serves as a vehicle to develop a serious plan of action to address the persistent inequalities faced by those in urban communities. Yet, all Americans, regardless of place of residence or racial identity, can benefit from the policy recommendations presented in this blueprint for economic equality. Furthermore, there is a role for all parties to play—private citizens, national, state and local governments, community-based service providers and the business community—as together, we seek to strengthen our Nation by maximizing the potential of all its citizens. By generating new ideas, initiating productive partnerships and fostering collaboration, The Opportunity Compact seeks to expand access to the incentives and rewards that act as the driving force behind what makes this country great—personal responsibility, initiative and hard work.

Madam Speaker, I firmly believe that the proposals embodied in the National Urban League's Opportunity Compact provide a powerful framework for approaching the difficult challenges faced by America's cities. I therefore rise today to congratulate the National Urban League for its work on behalf of cities and for bringing The Opportunity Compact to the attention of Congress.

TRIBUTE TO CYNTHIA J. KURTZ

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Cynthia J. Kurtz, who recently retired from her post as City Manager of Pasadena, California. Ms. Kurtz served the City for over 20 years, spending the last 10 years as the chief administrative officer of Pasadena's diverse community of 144,000 residents and has left a legacy that will be enjoyed by generations to come.

In her capacity as city manager, Cynthia was responsible for over 2,300 employees with an operating budget of over $550 million. With a keen vision for the ''big picture'' and a wealth of experience to draw upon, she was the driving force behind some of the most important projects in the city's history.

Cynthia came to Pasadena after 10 years of employment with the city of Portland, Oregon, where she held a variety of positions in the Office of Transportation and the Bureau of Economic Development. That experience served Pasadena well when she was hired as the City's Capital Program Administrator in 1987. In 1991, she became director of public works for the City of Pasadena where she shepherded high profile projects such as the delicate $24 million reconstruction of the historic Colorado Street Bridge.

During my years in the California State Senate, I worked with Cynthia on the planning for a light rail line from Los Angeles to Pasadena, and her contributions to that project were vital to its success. Completed on time and under budget, the Gold Line light rail project has been an invaluable asset to the San Gabriel Valley, and especially to Pasadena.

The Pasadena City Council was well aware of Cynthia's hard work on their behalf, and when the position of city manager became open in 1998, she was the first woman to be appointed to that post. As city manager, she first concentrated on solidifying budget procedures while also attending to the quality of life issues that make Pasadena a special place to live and work.

Ms. Kurtz's most recent landmark achievement was last year's completion of a $118 million renovation of historic Pasadena City Hall. When the structure was determined to be seismically vulnerable, she worked with her staff to create a plan that would safeguard Pasadena employees while also preserving this most recognizable jewel of the ''Crown City.'' The project was completed ahead of schedule and continues to stand as a testament to Pasadena's rich architectural heritage.

Cynthia Kurtz has been an invaluable asset to the city of Pasadena, and I ask all Members to join me in thanking Cynthia J. Kurtz for over 2 decades of dedicated service.

HONORING THE EASTERN MONTGOMERY COUNTY CHAMBER OF COMMERCE

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Eastern Montgomery County Chamber of Commerce on achieving an important milestone, its 75th anniversary. Since 1933, the Eastern Montgomery County Chamber of Commerce has tirelessly promoted its members and the economic health of our community. I am honored to represent this organization in Congress.

In 1933, the Jenkintown Businessmen's Association was incorporated with just 44 members. Since that time, the chamber has changed its name a number of times to mark its growth within the business community. In 1961, the organization became the Jenkintown Chamber of Commerce. By 1968, the organization became known as the Greater Jenkintown Chamber of Commerce to reflect the expansion of its service area. In 1992, the chamber became the Eastern Montgomery County Chamber of Commerce.

While successfully fulfilling its mission to support and promote local businesses of all sizes, the chamber has also successfully established strong community ties. The chamber has partnered with area businesses to host the annual Best of the Burbs celebration of business cultural and community events, featuring the chamber's annual Business Expo, which showcases over 100 area businesses. In 2003, the chamber established Leadership Montgomery County, an innovative program dedicated to strengthening the personal and professional skills of our community's future leaders.

The chamber's active board of directors and committed staff implement outreach, advocacy and fundraising activities to strengthen the chamber's enduring presence in the community. Over the past 75 years, the Eastern Montgomery Chamber of Commerce has served as a powerful catalyst, uniting businesses, community agencies, government officials, and educational institutions to make our community a great place to live and work.

Madam Speaker, I ask that my colleagues join me in celebrating the Eastern Montgomery County Chamber of Commerce's 75th anniversary milestone and wishing the chamber and its members many more years of community enrichment and service.

TRIBUTE TO MONSIGNOR WILLIAM J. LINDER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues in the House of Representatives to join me as I rise to acknowledge the lifetime service of Monsignor William J. Linder, pastor of St. Rose of Lima Parish in Newark, New Jersey and founder of the New Community Corporation.

Monsignor Linder has served in the Catholic priesthood for more than 44 years, spending the entire length of his ministry in Newark, New Jersey. For the past 31 years he has been the pastor of St. Rose of Lima parish, a multi-ethnic and multi-racial congregation with representation from 42 nations around the world.

The New Community Corporation celebrates its 40th anniversary this year. Its history is filled with stories of service to the city of Newark. The New Community Corporation is the most comprehensive and largest community development organization in the United States, employing over 1600 individuals and providing urban dwellers with housing, day care, alternative education, social services, job training, employment services and health care.

Monsignor Linder has received many honors and awards including the HUD Distinguished Service Award, The National Association of Home Builders Housing Hall of Fame award, the Aetna Foundation Voice of Conscience Award, the MacArthur Foundation Fellows Award and the Governor's Gold Medal (NJ). He was also selected by President Clinton to attend the president's first inauguration as one of the 60 ''Faces of Hope'' and by President Bush to participate in a conference on faith-based initiatives.

Madam Speaker, I know my colleagues will join me in honoring a wonderful servant to humanity. I am pleased to recognize his tremendous contributions to the city of Newark and wish him the best in all his future endeavors.

IN TRIBUTE TO LOUVENIA JOHNSON

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a woman of faith,

journalist, businesswoman, communicator and grassroots activist from the Fourth Congressional District. Mrs. Louvenia Johnson passed away on February 27, at the age of 96.

Born in McDermott, Arkansas, Mrs. Johnson relocated to Milwaukee in 1939, with her husband, Paul Johnson, who preceded her in death. She worked in the health care field as a Licensed Practical Nurse. She was Executive Director of Project Focal Point, a youth and elderly service agency. After retirement in 1981, she established ''The Christian Times'' with three others: Nathan Conyers, Lynda Jackson-Conyers, and the late Luther Golden. The weekly newspaper was devoted to church news within the city's African American faith community. The paper was renamed ''The Milwaukee Times Weekly Newspaper'' as it began to cover more general community news. The Christian Times remains as a standing feature section of that newspaper to this day.

Louvenia Johnson established ''The Black Excellence Awards Program'' in 1985, to recognize the good works of ordinary people from Milwaukee's black community whose accomplishments had gone unnoticed. The awards program observed its 23rd year on February 15, 2008. More than 680 local citizens whose activities have benefited all of Milwaukee have been recipients of the award.

Mrs. Johnson established The Louvenia Johnson Journalism Scholarship Fund in 1988 to assist college-bound high school graduates who wished to pursue careers in print and broadcast journalism. She initially funded the scholarship with money from her Social Security benefits. The scholarship funds are awarded during The Black Excellence Awards Program. To date, more than $350,000 has been awarded to area students through this nonprofit, charitable organization. Previous scholarship recipients include Jamaal Abdul-Alim, an urban affairs reporter for the Milwaukee Journal Sentinel; and Silvia Acevedo, news reporter for WTMJ–TV/Channel 4 in Milwaukee.

Madam Speaker, for these reasons, I am honored to pay tribute to Louvenia Johnson who is survived by her siblings, Mr. Harvey Williams, Mrs. Algenora Davenport, nieces, nephews and many friends. Mrs. Johnson has made a positive impact on Milwaukee and her contributions and legacy continue to benefit the citizens of the Fourth Congressional District.

NORTHWEST INDIANA BUSINESS AND INDUSTRY HALL OF FAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. VISCLOSKY. Madam Speaker, it is with the utmost sincerity and admiration that I rise to commend seven exceptional business leaders from Northwest Indiana who will be honored as the inaugural class of the Northwest Indiana Business and Industry Hall of Fame. Created by The Times and BusINess magazine, induction into the Indiana Business and Industry Hall of Fame is determined by a panel of local civic and business leaders. While there were many deserving nominees, the individuals selected as the 2008 Indiana Business and Industry Hall of Fame inductees are: Mark Maassel, Donald Powers, Mamon Powers, Jr., Denis Ribordy, Frank Van Til, Robert Welsh, Jr., and Dean White. For their many contributions to the enhancement of Northwest Indiana, these honorees will be recognized at a ceremony taking place at the Radisson Hotel at Star Plaza in Merrillville, Indiana, on Friday, March 7, 2008.

Mark Maassel is the former president of the Northern Indiana Public Service Company (NIPSCO), as well as a leader of the Northwest Indiana Forum. For many years, Mark has been seen as an innovative leader, not only in terms of his profession, but for his charitable efforts in the community as well. In one of many examples, Mark is largely credited with bringing together the United Way campaigns throughout Lake, Porter, and LaPorte Counties in Indiana. He has also been an active leader with the Indiana Humanities Council, the Indiana Chamber of Commerce, and the Ivy Tech Foundation.

Donald Powers is the president and CEO of the Community Foundation of Northwest Indiana, Inc. and the Community Healthcare System and the founder of a very successful real estate development company. Known throughout Northwest Indiana and beyond for his vision and determination, Donald is credited with the development of Munster, Indiana, as well as the Community Hospital and the Center for Visual and Performing Arts. In addition, he has been instrumental in the development of the Purdue University-Calumet campus in Hammond, Indiana.

Mamom Powers, Jr. is the president and CEO of Powers and Sons Construction Company, Inc., the company founded by his father in 1967. After learning the value of hard work and dedication from his father, Mamon took over the company and has always found a way to give back to his community. Mamon has always been active in serving the youth and has been a constant supporter of the Boys and Girls Clubs of Northwest Indiana. In addition, he also serves as a trustee with Purdue University.

Denis Ribordy was the owner of Ribordy Drugs, Inc., a very successful chain of twenty-six drug stores throughout Indiana, prior to its sale in 1985. He was also president and CEO of Ribordy Enterprises, which consisted of eight Hallmark stores. Having started his drug store business in Gary, Indiana, in 1955, Denis has always remained active in the community. Throughout his career, Denis has been recognized on numerous occasions for his commitment to Tradewinds and many charities throughout his community.

Frank Van Til is the co-owner of Van Til's supermarket in Hammond, Indiana. Raised in the grocery store business, Frank's parents opened their first store in Hammond in 1936. The Van Til family eventually went into business with the Strack family to create what would become a successful chain of 29 supermarkets throughout Indiana and Illinois. Although the Strack and Van Til stores were sold in 1998, Frank continues to operate Van Til's supermarket in Hammond. Not only did Frank learn the grocery business from his father, but he also learned the importance of being an active member of the community, and to this day, he remains an active member of many civic and charitable organizations in Northwest Indiana.

Robert Welsh, Jr. was the owner of the former Welsh Oil Company and is the current CEO and chairman of Welsh Holdings LLC. Throughout his career, Robert's innovative thinking has made him a true pioneer in his field. As the owner of Welsh Oil Company, he is credited with many modern advancements, including self-serve gasoline stations, alcohol-blended fuels, and food service within gasoline stations. Robert has been the recipient of many accolades, not only for his business ventures, but also for his constant commitment to his community. Most notably, Robert has been recognized as the University of Notre Dame's Man of the Year. Always an advocate of the youth, Robert has been an active contributor to the Calumet Council of the Boy Scouts of America for over 30 years.

Dean White, CEO of Whiteco Industries, is credited with turning Merrillville, Indiana into the retail center that it is today. Dean is the founder of the Star Plaza in Merrillville, and he has developed much of the surrounding area, which includes hotels, businesses, shops, and offices. With business ventures ranging from billboard advertising to residential and hotel development to high-technology innovations, Dean's holdings include companies local to Northwest Indiana as well as businesses throughout the world. While Dean's contributions to business and development in Northwest Indiana are well known, it is equally important to acknowledge the impact he has made on his community through his constant support of local charities and organizations in the area.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding leaders on their induction into the Indiana Business and Industry Hall of Fame. These individuals are most deserving of being named the Inaugural Class of 2008, and for their leadership and commitment to the Northwest Indiana community, each of the recipients is worthy of our respect and admiration.

IN HONOR OF THE NATIONAL PEACE CORPS WEEK AND THOSE SERVING IN THE PEACE CORPS FROM THE 24TH DISTRICT OF TEXAS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MARCHANT. Madam Speaker, it is my pleasure to honor the Peace Corps and its 47 years of service. Nearly 200,000 U.S. citizens have served their country, as well as instilling peace and goodwill in 139 countries abroad, since March 1, 1961. The week of February 25–March 3, 2008 was celebrated around the U.S. as National Peace Corps Week.

Currently 15 residents of the 24th District of Texas are serving abroad in 14 different countries. These selfless individuals should be recognized for their commitment to peace and development.

Their names and respective countries of service are as follows: Ryan Alvares—Mozambique; Lauren Banta—Senegal; Andrew Birdsell—Ecuador; Melanie Bittle—Nicaragua; Eric Brooke—Bulgaria; Kira Cha—Costa Rica; David Fox—Macedonia; Courtney Gilman—Gambia; Robert Henderson—Ukraine; Mary Jones—Georgia; Jamie Lewis—Malawi; Curtis

Miller—Bolivia; Katherine Moore—Kenya; John Poulter—China; and Carin Wunneburger—Senegal.

It is my honor to recognize these individuals and the long-standing institution known throughout the globe. The people of the 24th District of Texas are proud of their achievements. I wish them and all members of the Peace Corps the best of luck and an eventual safe return home.

IN HONOR OF FRANK THOMPSON AND HIS SERVICE TO SPOKANE COUNTY VETERANS

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to recognize Mr. Frank Thompson. On March 1, 2008, Mr. Thompson, Director of the Spokane County Veteran Services, retired from his post in Spokane County, after an honorable 32-year career in veterans' services. In a time when our country acknowledges how much we depend upon our soldiers, and accordingly understand what honor, respect, and responsibility is owed to them when they become veterans, Frank Thompson stands out as an example of what it means to truly dedicate oneself to these deserving men and women, to serve them in a meaningful way.

Frank Thompson grew up in Pittsburgh, PA, and attended West Virginia Wesleyan College, graduating with a B.A. in social studies in 1967. When he entered the Air Force 3 months later, he began a lifelong attachment to the military which would continue all the way up to today. He later went on to serve 4 years in the Strategic Air Command during the Vietnam War. Upon being discharged, he attended graduate school at Gonzaga University in Spokane, WA. Earning an M.A. in counseling in 1975, he also entered the Washington Air National Guard, joining the 105th Tactical Air Control Squadron. It is obvious, Mr. Speaker, that Frank Thompson's dedication to the United States and his willingness to serve in the armed forces can never be doubted.

Frank began his service of three decades to American veterans on February 1, 1976, when he began working at the Spokane County Veteran Services as a Veterans Contact Representative. His reliability and talent shown through when, just 4 years later, he was appointed director in 1980. Mr. Speaker, he did all this while still serving in the Washington Air National Guard and did not retire from military service until December of 1991, having attained the rank of major. He continued his honorable work at the Spokane County Veteran Services until this past week.

Madam Speaker, I thank Frank Thompson for his service to those who sacrificed so much for their country. I praise him as example to us all of what true responsibility to our veterans looks like. And I offer my best wishes for him and his family as they open this new chapter in their lives.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. WOOLSEY. Madam Speaker, on February 28, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 85–87.

Had I been present I would have voted:

Rollcall No. 85—''yes''—John ''Marty'' Thiels Southpark Station.

Rollcall No. 86—''yes''—Sgt. Jason Harkins Post Office Building.

Rollcall No. 87—''yes''—Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building.

HONORING WINIFRED ANN WATERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. ENGEL. Madam Speaker, a community is an aggregate of it residents, but its quality of life is determined by the dedication of those who devote themselves to the welfare of their community. Winifred Ann Waters, known to all of us as Winnie, is a born and bred Bronx girl who has devoted herself to her community and the people in it.

She was born to Peter and Elizabeth McGee and grew up on Cypress Avenue and 138th Street. Her father died when she was a youthful teenager and she grew up helping her mother care for her siblings, Jimmy, Louis, and Veronica.

Winne was 16 when she first met Jimmy Waters, who was to become her husband. They have now been happily married for 40-plus years, and have 4 children, Jimmy, Vincent, Peter and Mary, who gave them 6 grandchildren with a seventh on the way.

After working for several years in the private sector Winnie left to have her first child. In 1985 she began working at Community Board 12 as a community associate with one of her responsibilities taking the complaints of unhappy citizens.

Taking lemons and making lemonade, she established many lasting and close relationships over the years. She is one of a rare breed who works unselfishly without need for credit or praise. In time she started to adopt the community as a second family and devoting herself to making the community a better place to live, work, and raise a family.

Now, no matter where Winnie walks in the Community Board 12 neighborhood, she is recognized by all. She will be greatly missed in her retirement but her goal of making the community a family environment is one that we will continue to follow from her fine example.

I sincerely thank her for all that she has done for the people of her community. She is an inspiration to all.

A BIRTHDAY TRIBUTE TO WILBERT TATUM AND THE AMSTERDAM NEWS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to celebrate two birthdays.

Wilbert ''Bill'' Tatum never shies away from a good fight. The publisher emeritus of Amsterdam News, starting in 1978, ran editorials excoriating then-Mayor of New York, Democrat Ed Koch, once a week—every week—on the paper's front page. The recurring, and unrelenting, box read: ''Why Koch Should Resign.'' By the time Koch left office a decade later, Tatum had turned his attention to another New York mayor, this time Republican Rudolph Giuliani. He demanded his resignation, too.

Throughout his life, which this year eclipses the 75-year mark, Tatum has been unafraid to show his mettle. He has railed against one-time popular policies—the invasion of Iraq and racial profiling—and defended unpopular, often controversial figures. The man who forged a niche for himself in black journalism, and broadened the field with his editorial perspective, is all about developing big ideas—and sticking to them. ''Don't worry about your beliefs if they are yours,'' Tatum writes in a recent column. ''If you have to depend upon somebody else's beliefs, then you have no beliefs at all.'' On the anniversary of his birth, it is that unflappable spirit we celebrate, honor, and uplift.

He's a self-billed ''pragmatic idealist.'' As the director of community relations for the city's building department, he fervidly sought to develop new housing in poor neighborhoods. He spent a winter's night in 1967, huddled in an evacuated and unheated Queens housing development, just to highlight the plight of tenants. He, years later, lobbied then-Governor Mario Cuomo to establish a toll-free telephone line that gave residents tips, and accepted their complaints, about drug trafficking. But over the past quarter century, he's made his mark in the media.

He owned financial interests in Inner City Broadcasting Corp, Apollo Theatre, and two radio stations, WLIB and WBLS. He served a brief stint as co-publisher of the New York Post in 1993, alongside real estate developer Abe Hirschfeld. And through the pages of the Amsterdam News, the Harlem-based Black weekly that came under his direction in 1982, Tatum developed his own voice.

That paper projected a critical and focused voice of its own, particularly at a time when issues of concern to African Americans were largely ignored by the mainstream media. It all began nearly 100 years ago—with nothing but $10, six sheets of paper, a lead pencil, and a table as its initial capital—and, in short order, it became New York's largest and most influential Black-owned, Black-operated business. At its zenith, its circulation peaked 100,000 and by the 1940s, it had become a leading black paper along with the storied Pittsburgh Courier, the Afro-American, and the Chicago Defender. Greats like W.E.B. DuBois, Roy Wilkins, and Adam Clayton Powell contributed to its pages. As one of the most frequently quoted black weeklies in the world, it says its

strength lies in its ''shaping the advancement and realization of Black aspirations.''

It now commands an irrefutable spot on the mantel of American Black history. It made visible the invisible; gave speech to the voiceless. It championed the causes of civil rights, amplifying the too-often muffled calls from the community. It fought for integration in the Armed Forces during World War II and was at the forefront in covering events such as the Montgomery bus boycott in Alabama. Tatum, himself, has been lauded for taking the paper in a new, fresh direction—harkening back to its history while remaining modern and relevant. He's expanded its coverage of international affairs, attracting a wide variety of new readership from all corners of the local, national, and even international market.

Tatum was born in January 23, 1933, in a three-room shack in Durham, North Carolina, 10th out of 13 siblings, against the backdrop of segregation and summers of tobacco-field toil. He today boasts a degree from Pennsylvania's Lincoln University, the oldest Black university in the U.S., a master's in urban studies from Occidental College in L.A, and a National Urban fellowship at Yale. Out of work in segregationist America, ''too well-educated'' to land a post as a janitor at any of the New York newspapers, and instead, tried his luck as a reporter and columnist in Europe.

But he has since carved out a safe space of his own, assuming the leadership of a historic paper and injecting his powerful voice into the dialog. He has all our best wishes on his birthday and in this year, as his paper celebrates a milestone—a century's worth of scoops, awards, exclusives, and history-making. We are all the better for it.

HONORING THE PEAK CENTER OF LANSDALE, PENNSYLVANIA

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate The Peak Center of Lansdale, Pennsylvania, for receiving National Institute of Senior Centers accreditation. Of the 15,000 senior centers in America, The PEAK Center is one of only 153 senior centers to receive this high honor, bestowed by the National Institute of Senior Centers, a constituent unit of the National Council on Aging.

The National Institute of Senior Centers mark of accreditation demonstrates the PEAK Center's outstanding service and commitment to seniors who live in the North Penn region of my district. As part of the accreditation process, staff evaluated their current programs and developed a 3-year strategic plan that will facilitate the development of additional programs and services. Accreditation demonstrates the Peak Center's outstanding leadership and commitment to continuing their tradition of developing quality programs and services for adults.

The Peak Center's mission is to support wellness and quality of life for adults over 55 years of age and promote their participation in all aspects of community life. The staff of the PEAK Center works diligently to maintain the center as a hub of learning and activity in the community. The center has year-round programs that engage adults in lifelong learning pursuits, some in cooperation with local corporations and civic groups. Programs include aerobics, studio art, health screening, computer training, and the ''Senior Environment Corps.'' I have been pleased to recognize the Peak Center's active participation in the Veterans History Project of the Library of Congress.

Madam Speaker, I ask that my colleagues join me in congratulating the PEAK Center on receiving National Institute of Senior Centers accreditation and wishing this important organization many more years of success.

COMMEMORATING THE COURAGE OF THE HAITIAN SOLDIERS WHO FOUGHT FOR AMERICAN INDEPENDENCE IN THE ''SIEGE OF SAVANNAH'' AND FOR HAITI'S INDEPENDENCE AND RENUNCIATION OF SLAVERY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong support of this resolution commemorating the courage of the Haitian soldiers who fought for American independence in the ''Siege of Savannah.'' This resolution also honors those soldiers who fought for Haiti's independence and the renunciation of slavery. As a cosponsor of this legislation, I would like to express my appreciation for the efforts of my good friend from Florida, Congressman KENDRICK B. MEEK, for introducing this important legislation and for the House Leadership for bringing it to the floor for a vote.

The War for American Independence was not easily won, and it took the contributions of an untold number of American patriots. It is important that we continue to remember those heroes who gave their lives for the freedoms we can enjoy today. In 1779, American rebels fought to take back the city of Savannah from the British. This resolution commemorates a group of 500 Haitian volunteers who fought valiantly alongside the patriot forces for more than 2 weeks as the siege continued. It is important for us to take this moment to commemorate and honor the memory and sacrifice of the 300 Haitians who gave their lives during that historic battle.

It is fitting that a monument to these brave men now stands in Savannah, Georgia, where this momentous fight took place. It is also fitting that the monument depicts a young Henri Christophe, a man who helped gain Haitian independence and end slavery in that country.

Mr. Christophe and his compatriots fought valiantly for the causes of liberty and justice on both American and Haitian soil, proving their deep commitment to these ideals. Their desire for liberty is not yet fulfilled, so we must continue to work with the people of Haiti to realize the dreams of their founders.

We can hardly begin to measure the ways in which the people of Haiti have shaped our country. In South Florida, residents of Haitian descent have contributed so much to the fabric of our community. Their culture, heritage, and traditions have influenced almost every single corner of our society. South Florida—so rich in diversity—would not be what it is today without the Haitian people. From the beginning of our history, the Haitian people have left their mark on America and have helped to shape our great nation. In fact, the contributions of Haitians began before our country had even won its independence, and they continue to this very day.

Madam Speaker, I strongly urge my colleagues to support this important resolution and honor the valor and ideals of the Haitian soldiers who fought for American independence and to end the practice of slavery.

RECOGNIZING BOBBIE AND DON CASSANO

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MITCHELL. Madam Speaker I rise today to recognize the achievements of two outstanding people from my hometown, Tempe, Arizona—Don and Bobbie Cassano. My pride in their contributions is magnified because I also count them among my friends.

The Tempe Chamber of Commerce recently presented them with the 2008 Spirit of Tempe Award during the annual Breakfast for Chamber Champions on February 29th. This award recognized business people who ''go above and beyond''.

The soul of any community is its people, and Don and Bobbie Cassano have epitomized the spirit that makes Tempe such an outstanding community. I am pleased that their outstanding efforts for our community have been formally recognized by the Tempe Chamber.

Don and Bobbie wasted no time in getting involved in their community when they moved to Tempe thirty four years ago. It is easy to assume that this was strictly a team effort, but Don and Bobbie have each made significant individual contributions as well.

Bobbie has served as president of Tempe Leadership, the Tempe/Kyrene Communities in Schools and the Tempe Governors. She was a founder of the Communities in Schools group. She has also served on the Tempe Community Council Board of Directors, the Tempe Connections Advisory Council and the Tempe Citizens Corps Council.

Don has also served as President of a number of organizations, including Friendship Village of Tempe, Arizona Clean and Beautiful and the Tempe Nuevo Kiwanis Club. He has chaired the Valley Business Council and Valley Forward Association. I am also proud to have served with him during the time he was a member of the Tempe City Council, from 1984–1993.

Together they joined forces to help pass a transit tax in Tempe which goes toward improving public transportation, including the light rail system which starts running this year. In addition, it funds expanded bicycle paths, and a free neighborhood circulator bus to help increase ridership on public transportation.

I can't think of two people who are more deserving of this award, and I say congratulations for a job well done.

RECOGNIZING THE CITY OF LUBBOCK, TEXAS ON ITS CENTENNIAL

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. NEUGEBAUER. Madam Speaker, as the city of Lubbock turns 100 years old, I could not be more proud to be part of a wonderful community that has grown to embrace all that is good in America. The traditional values upon which this country was founded still flourish and are taught to the next generation here.

The history of Lubbock is a story of men and women that came to this region with a dream. They came with a determination that would be tested over and over again. That ''can-do'' spirit turned this remote area of the High Plains of Texas into one of the most productive agricultural regions in the world. My grandfather came to Lubbock in 1909 to be part of this new community. Over the past 100 years, many visionary citizens stepped forward to build and strengthen this growing and developing town. Now today, because of their efforts, Lubbock is not only an important agricultural area, but it is also a city of world-class educational and medical facilities and the regional distribution center for the entire South Plains and part of New Mexico.

As we celebrate the past, let us look forward with great anticipation toward the future. Lubbock is not just a city celebrating 100 years. it's home to me. I am proud to call Lubbock home and am honored to represent each its residents in the United States Congress.

TRIBUTE TO DWIGHT ''PETE'' MITCHELL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Dwight ''Pete'' Mitchell, a community leader in Southwest Michigan who is retiring this week after more than 35 years in public service.

In the center of downtown Benton Harbor sits a large rock, engraved with the name of Dwight ''Pete'' Mitchell City Center Park. That certainly represents Pete Mitchell—he's solid as a rock, a foundation for our community. An accomplished boxer as a young man, Pete Mitchell, like his hometown of Benton Harbor, has shown he can take a punch, and he can fight back and win. Many of the projects that are being accomplished right now that are leading Benton Harbor's renaissance have benefited from Pete's quiet and steady leadership. Whether it's the Arts District, downtown development, new housing, or new jobs and recreation, Pete was there with the vision and perseverance to put together the partnerships that are making a difference in lives of Benton Harbor residents.

While Pete is retiring as Benton Harbor City Manager, he has a long legacy of involvement in his community. A 1954 graduate of Benton Harbor High School, Pete has served on the Benton Harbor Area Schools board, the Airport Authority, the Council for World-Class Communities, the Boys and Girls Club, and a number of other organizations in his hometown. He has been honored by Lake Michigan College with the Distinguished Alumni Award, and was a recipient of the College's Diversity Award.

Pete Mitchell is a man who dedicated his life to his hometown, and to the betterment of his fellow man. He is truly ''The Rock.''

COMMEMORATING THE PASSING OF DR. ROBERT JASTROW

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. ROHRABACHER. Madam Speaker, I would like to commemorate the passing of the prominent American scientist Dr. Robert Jastrow on February 8, 2008. Born in New York in 1924, Robert Jastrow worked in the U.S. lunar landing program, established and managed two scientific research centers, and played an active role in national public policy debates on national security and environmental policy.

Robert Jastrow earned his Ph.D. degree in theoretical physics at Columbia University. He became an assistant professor at Yale before joining the staff at the Naval Research Laboratory. In 1958, Dr. Jastrow was chosen to head NASA's new theoretical division. Dr. Jastrow immediately set to work planning the future space science program and drawing a high level of scientific talent into NASA.

Dr. Jastrow was convinced of the unique importance of the moon for understanding the origin of the earth and the other planets and was an early champion of lunar exploration. In 1958, he and Harold Urey, the Nobel Laureate chemist, made the case for NASA to build a significant program for lunar exploration, resulting in the establishment of the Ranger Project.

With permission from NASA and in association with Columbia University, Robert Jastrow organized the Goddard Institute for Space Studies and became its first Director in 1961. Scientists at the Goddard Institute, a government laboratory which carried out research in astronomy and atmospheric science, played a key role in the Pioneer, Voyager, and Galileo planetary missions under Jastrow's guidance. In recognition of his work, Dr. Jastrow received the NASA Medal for Exceptional Scientific Achievement and the Arthur Fleming Award for Outstanding Service to the U.S. Government.

Dr. Jastrow stayed at the helm of the Goddard Institute for 20 years before becoming joining the faculty at Dartmouth College, where he held the position of Professor of Earth Sciences until 1992. In that year he resigned to become Chairman of the Board of Trustees of the Mount Wilson Institute, which manages the Mount Wilson Observatory in California on behalf of the Carnegie Institution of Washington. Dr. Jastrow retired as Director of the Mount Wilson Institute in January 2003. He also was a member of the Board of Governors of the National Space Society.

With Drs. Frederick Seitz and William Nierenberg, Dr. Jastrow founded the George C. Marshall Institute in 1984 to conduct assessments of scientific issues affecting public policy. He was an influential figure in the public debates on ballistic missile defense and climate change. At the Institute, he worked to provide the Congress and successive Administrations with perspectives and interpretations of scientific and technical matters.

Dr. Jastrow was a prolific author and public commentator on the space program, astronomy, earth science, and national security. He hosted more that 100 CBS–TV network programs on space science and was the special guest of NBC–TV with Wernher von Braun for the Apollo-Soyuz flights. Dr. Jastrow's articles have appeared in the New York Times, Time, Reader's Digest, Foreign Affairs, Commentary, Atlantic Monthly and Scientific American. His books include Red Giants and White Dwarves—the Evolution of Stars, Planets and Life; Until the Sun Dies: God and the Astronomers; The Enchanted Loom—Mind in the Universe; Astronomy—Fundamental and Frontiers; Journey to the Stars—Space Exploration Tomorrow and Beyond, How to make Nuclear Weapons Obsolete and Scientific Perspectives on the Greenhouse Problem with William Nierenberg and Frederick Seitz. Dr. Jastrow's contributions to science will be missed, and I extend my condolences to his family, friends and colleagues.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. LANGEVIN. Madam Speaker, on February 28, 2008, I was away from the Chamber and unable to vote. I would like the RECORD to reflect that, had I been present, I would have voted ''yea'' on rollcall vote Nos. 85, 86 and 87.

COMMEMORATING NATIONAL I.D. THEFT PREVENTION WEEK, MARCH 3–7, 2008

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MITCHELL. Madam Speaker, I rise today to commemorate National Identity Theft Prevention Week in Arizona and in several other states, as well as Consumer Protection Week around the Nation, and to bring attention to this growing and troubling trend in crime. Identity theft is a serious offense that occurs when someone uses your personal information without your permission to commit fraud or other crimes.

Unfortunately, Arizona is one of the states hardest hit by identity theft, which continues to impact millions of victims and remains the fastest-growing white-collar crime in the United States. Identity theft costs businesses and consumers billions of dollars each year. Additionally, victims must take valuable time and often endure tremendous stress as they work to repair the damage to their credit and accounts.

However, Arizona is also the site of some of the Nation's most innovative efforts to combat

this crime. The Arizona Attorney General's Office regularly hosts ''shred-a-thons'' where residents can safely destroy documents containing personal information. And private companies like Lifelock, which is headquartered in my hometown of Tempe, has become a nationwide industry leader in helping consumers to proactively protect their personal information and render it useless to criminals.

Madam Speaker, I wish to applaud these efforts and encourage my colleagues to join me in doing all that I can to turn the tide against identity thieves across the Nation.

IN HONOR OF HUGH PATRICK CARROLL

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. PICKERING. Madam Speaker, today an effective and loyal member of my staff serves his last day in my office. But, he does not leave his service to Mississippi. Hugh Carroll, my legislative director, will be moving to the other chamber to serve in the office of Senator ROGER WICKER, my friend and our former colleague in the House who is now serving out the remaining term of Trent Lott.

Hugh came to Washington, DC, from Greensboro in the Piedmont of North Carolina. He earned his undergraduate and law degrees from the Catholic University of America here in Washington. Hugh served as a law clerk for the Architect of the Capitol and the General Services Administration. Prior to that, he interned both with the House Committee on the Judiciary as well as with Congressman HOWARD COBLE.

I first met and worked with Hugh when he served on the House Committee on Transportation and Infrastructure staff as counsel. He worked closely with my office on Hurricane Katrina recovery legislation and investigations. At that committee, he helped draft ''A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.'' I served on that select bipartisan committee and grew to appreciate Hugh's work and insights.

Hugh joined my staff in February 2007 to serve as my chief counsel and legislative director, and oversee my telecommunications policy. His tenacity and natural instincts fit my policy objectives, and he effectively assisted in moving my legislative and appropriation priorities forward. His knowledge of Hurricane Katrina issues provided the ready experience necessary to hit the ground running for my State's continuing recovery needs.

I know that Hugh's parents, Marvin and Sandra Carroll, are proud of him and his work for the House of Representatives. I am proud of his work for Mississippi and while sorry to see him leave my staff, am glad he will continue to serve my district and my constituents as an aide to Senator WICKER.

My staff will remember Hugh Carroll's dry humor, passion for the Boston Red Sox, love of his dog, and interesting wardrobe choices. I hope Hugh will remember all the work we have accomplished together, and also the symbolism of ''The Five Flags.'' We all will remember his good nature, determined work ethic, and professional accomplishment of his duties. I thank him for his hard work, and wish him the best of fortune in his new assignment and future endeavors.

THE INTERNATIONAL RENEWABLE ENERGY AGENCY (IRENA) ACT OF 2008

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MARKEY. Madam Speaker, I am introducing the International Renewable Energy Agency Act today because our energy security, the health of our planet, and the strength of our economy have reached a critical juncture. As gasoline prices creep towards $4 per gallon, and emissions of heat-trapping gases continue to climb to dangerous levels, two things have become clear. First, a fundamental change is needed in the way we generate and use energy here at home. Secondly, the rest of the world must be also part of this new energy future. The legislation I am introducing today calls for the establishment of an International Renewable Energy Agency, IRENA, to address both of these challenges.

This week, world leaders from government, civil society and private business are meeting as part of the Washington International Renewable Energy Conference, WIREC, of 2008 to discuss a major scale-up in the deployment of renewable energy technology around the world. This collaboration is a good start, but the urgency of global warming and our dependence on oil require that we take the lead in creating a permanent international agency to drive the development and deployment of renewable energy in all countries, including ours.

Despite the enormous strides renewable energy and energy efficiency technologies have made over the last several years, hurdles remain to major and rapid scale-up on the level needed to meet the world's need for energy while also addressing global warming. IRENA will provide the institutional support needed to address the technological, financial, informational, and policy barriers that keep renewable energy and energy efficiency technologies from reaching their full potential.

Renewable energy has the potential to reduce global warming pollution while also creating millions of ''green jobs,'' reducing our dependence on foreign sources of energy, and spurring the technological development that will fuel the global economy over the coming century.

New investment in clean energy technology worldwide topped $148 billion in 2007, an increase of 60 percent over 2006 and up from just $33 billion in 2004. However, about two thirds of this investment lies in just six countries. Over the next two decades, greenhouse gas emissions from developing countries are projected to grow at more than twice the rate of those in developed countries. Encouraging growth of renewable energy in developing countries reduces the extent and likelihood that these economies will follow a carbon-intensive, fossil energy development path. It also opens a valuable market for the clean energy companies that developed economies will rely on for growth over the coming century. The International Renewable Energy Agency will have the independence, credibility, and expertise necessary to assist governments at the national, state, and local level implement renewable energy policies and projects.

Existing international energy agencies were formed to address narrow problems. The International Energy Agency, IEA: oil security and fuel supply disruptions. The International Atomic Energy Agency, IAEA: nuclear proliferation and safety. With the aid of institutional support, these energy resources became foundations of modern economies. An international renewable energy agency is needed to support the unique problems facing renewable energy: marketplace failures, political inertia, and information gaps. To this end, IRENA will:

Support governments in drafting policies and programs for the promotion of renewable energy and energy efficiency measures;

Assist governments in conducting studies that analyze the potential of renewable energies and the appropriateness of different technologies;

Provide long-term projections and scenarios based on existing data and policy in order to identify opportunities as well as gaps, barriers, and failures in markets and policies;

Organize training programs, information campaigns, and courses for civil servants, scientists, businesses, and non-government organizations;

Supply curriculum for schools and universities on relevant renewable energy topics;

Work with financial institutions to support innovative financing mechanisms for renewable energy projects;

Develop international norms and quality standards;

Gather and disseminate data, statistics, and reports on renewable energy deployment, policy approaches, and technology development.

The status quo is not working for America or the planet. The environmental, energy, and economic problems we are facing are largely due to a failed energy policy. An international renewable energy agency represents an opportunity for America to change its energy path and confront global warming while reestablishing its leadership role and reputation in the international community.

CONGRATULATING THE STATE BAR OF ARIZONA ON ITS 75TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the State Bar of Arizona on its 75th anniversary. The Arizona Bar Association was first incorporated in Arizona in 1906 and in 1912 first began official admission procedures for the practice of law. On March 17, 1933, the State Bar of Arizona was established as a mandatory membership organization through an act of the Arizona State Legislature. Since its statutory establishment, it has functioned as a self-policing organization that has worked to ensure that the legal profession in Arizona maintains the highest possible ethical standards and technical skill.

The State Bar of Arizona is guided in its service of the public by the core values of integrity, service, diversity, professionalism, promotion of justice, and leadership. The State

Bar utilizes these core values to further the legal profession and the administration of justice.

The State Bar serves not only the legal profession, but also the public, ensuring equal access to high quality legal services for all Arizona residents. The State Bar also serves the public through its participation in programs like ''Wills for Heroes'' where members of the State Bar donate their time and talent to provide free legal services in the area of wills and probate to emergency personnel in Arizona.

The State Bar of Arizona and its nearly 20,000 members should be proud of the work they continue to do to ensure that all Arizonans have access to equal justice.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S1487–S1547

Measures Introduced: Fifteen bills and four resolutions were introduced, as follows: S. 2688–2702, and S. Res. 469–472. **Pages S1521–22**

Measures Reported:

S. 1675, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, with an amendment. (S. Rept. No. 110–271)

H.R. 1469, to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, with amendments. (S. Rept. No. 110–272)

H.R. 2798, to reauthorize the programs of the Overseas Private Investment Corporation, with an amendment in the nature of a substitute. (S. Rept. No. 110–273)

Measures Passed:

Honoring the Life of Myron Cope: Committee on the Judiciary was discharged from further consideration of S. Res. 467, honoring the life of Myron Cope, and the resolution was then agreed to. **Pages S1545–46**

National Glanzmann's Thrombasthenia Awareness Day: Senate agreed to S. Res. 471, designating March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day''. **Page S1546**

Commending the Employees of the Department of Homeland Security: Senate agreed to S. Res. 472, commending the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers nationwide for their dedicated service in protecting the people of the United States and the Nation from acts of terrorism, natural disasters, and other large-scale emergencies. **Pages S1546–47**

Measures Considered:

Consumer Product Safety Commission Reform Act: Senate began consideration of S. 2663, 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, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto: **Pages S1495–S1518**

Rejected:

DeMint Amendment No. 4095, in the nature of a substitute. (By 57 yeas to 39 nays (Vote No. 37), Senate tabled the amendment.) **Pages S1502–10, S1515–18**

Pending:

Pryor Amendment No. 4090, of a technical nature. **Pages S1495–S1502**

Cornyn Amendment No. 4094, to prohibit State attorneys general from entering into contingency fee agreements for legal or expert witness services in certain civil actions relating to Federal consumer product safety rules, regulations, standards, certification or labeling requirements, or orders. **Pages S1498, S1502–06**

DeMint Amendment No. 4096, to strike section 21, relating to whistleblower protections. **Pages S1502–10**

Feinstein Amendment No. 4104, to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain specified phthalates. **Pages S1510–15**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, March 5, 2008. **Page S1547**

Budget Committee—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding Rule XXVI, paragraph 7 of the Standing Rules of the Senate and Rule 3 of the Senate Committee on the Budget Rules, that any member of the Committee be permitted to vote by proxy, with the concurrence of the Chair and Ranking Member of the Committee, at the meeting of the Senate Committee on the Budget on Thursday, March 6, 2008, and that any vote cast on behalf of that member, by proxy in the Committee on the Budget on that date, be treated by the Committee as if that member were physically present, but the

proxy not count for the purposes of establishing a quorum present; provided further, that if the Committee on the Budget orders reported a concurrent resolution on the budget for fiscal year 2009 on Thursday, March 6, 2008, such measure be deemed to have been ordered reported in compliance with Rule XXVI, paragraph 7 of the Standing Rules of the Senate, and the rules of the Senate Committee on the Budget. Page S1545

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency and sanctions with respect to those persons whose actions undermine the democratic processes or institutions of Zimbabwe; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–40) Page S1521

Enrolled Bills Presented: Page S1521

Additional Cosponsors: Pages S1522–23

Statements on Introduced Bills/Resolutions: Pages S1523–31

Amendments Submitted: Pages S1531–45

Notices of Hearings/Meetings: Page S1545

Authorities for Committees to Meet: Page S1545

Privileges of the Floor: Page S1545

Record Votes: One record vote was taken today. (Total—37) Page S1517

Adjournment: Senate convened at 10 a.m. and adjourned at 6:43 p.m., until 9:30 a.m. on Wednesday, March 5, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1547.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Homeland Security, after receiving testimony from Michael Chertoff, Secretary of Homeland Security.

APPROPRIATIONS: ENVIRONMENTAL PROTECTION AGENCY

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the U.S. Environmental Protection Agency, after receiving testimony from Stephen L. Johnson, Administrator, Environmental Protection Agency.

APPROPRIATIONS: U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs to examine proposed budget estimates for fiscal year 2009 for the U.S. Agency for International Development, after receiving testimony from Henrietta H. Fore, Director, Foreign Assistance, and Administrator, U.S. Agency for International Development.

DEFENSE AUTHORIZATION REQUEST

Committee on Armed Services: Committee concluded a hearing to examine the defense authorization request for fiscal year 2009 for the United States Central Command and the United States Special Operations Command, and the future years defense program, after receiving testimony from Admiral William J. Fallon, USN, Commander, United States Central Command, and Admiral Eric T. Olson, USN, Commander, United States Special Operations Command, both of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine the defense authorization request for fiscal year 2009 for the military space programs, and the future years defense program, after receiving testimony from Gary E. Payton, Deputy Under Secretary of the Air Force for Space Programs, General C. Robert Kehler, USAF, Commander, Air Force Space Command, Lieutenant General William L. Shelton, USAF, Commander, Joint Functional Component Command for Space, United States Strategic Command, and Rear Admiral Kenneth W. Deutsch, USN, Director, Warfare Integration, Office of the Chief of Naval Operations, Department of the Navy, all of the Department of Defense; and Cristina T. Chaplain, Director, Acquisition and Sourcing Management, Government Accountability Office.

BANKING INDUSTRY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of the banking industry, after receiving testimony from Sheila C. Bair, Chairman, Federal Deposit Insurance Corporation; John C. Dugan, Comptroller of the Currency, and John M. Reich, Director, Office of Thrift Supervision, both of the Department of the Treasury; Donald L. Kohn, Vice Chairman, Board of Governors of the Federal Reserve System; JoAnn M.

Johnson, Chairman, National Credit Union Administration; and Thomas B. Gronstal, Iowa Division of Banking, Des Moines, on behalf of the Conference of State Bank Supervisors.

PROTECTING OUR SHORES FROM OIL SPILLS

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded a hearing to examine protecting seashores from oil spills, focusing on operational procedures and ship designs, after receiving testimony from Admiral Thad Allen, Commandant, United States Coast Guard, Department of Homeland Security; Paul G. Kirchner, American Pilots' Association (APA), Washington, D.C.; Captain Edward Page, Marine Exchange of Alaska, Juneau; and Kirsi Tikka, American Bureau of Shipping (ABS), Paramus, New Jersey.

ENERGY INFORMATION ADMINISTRATION

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the Energy Information Administration's revised ''Annual Energy Outlook'', after receiving testimony from Guy Caruso, Administrator, Energy Information Administration, Department of Energy.

BALKANS REGION

Committee on Foreign Relations: Committee concluded a hearing to examine Kosovo, focusing on the Balkans region, after receiving testimony from Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs; and Janusz Bugajski, Center for Strategic and International Studies, Daniel Serwer, United States Institute of Peace, and Ivan Vejvoda, German Marshall Fund of the United States, all of Washington, D.C.

FEMA DISASTER HOUSING STRATEGY

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a joint hearing with the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration to examine the Federal Emergency Management Agency (FEMA) disaster housing strategy, after receiving testimony from Harvey E. Johnson, Jr., Deputy Administrator and Chief Operating Officer, Federal Emergency Management Agency, Department of Homeland Security; Howard Frumkin, Director, National Center for Environmental Health, Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention, Department of Health and Human Services; and Milan Ozdinec, Deputy Assistant Secretary of Housing and Urban Development for Public Housing and Voucher Programs.

NATIONAL CYBER SECURITY INITIATIVE

Committee on Homeland Security and Governmental Affairs: Committee concluded a closed hearing to examine National Security Presidential Directive-54 and Homeland Security Presidential Directive-23 (NSPD–54/HSPD–23) and the comprehensive national cyber security initiative, after receiving testimony from Robert D. Jamison, Under Secretary of Homeland Security for National Protection and Programs Directorate; Melissa E. Hathaway, Cyber Coordination Executive, Office of the Director of National Intelligence; G. Dennis Bartko, Special Assistant to the Director for Cyber, National Security Agency; and Scott O'Neal, Section Chief, Cyber Division, Federal Bureau of Investigation, Department of Justice.

LEGISLATIVE PRESENTATION

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Veterans Affairs Committee to examine the legislative presentation of the Veterans of Foreign Wars of the United States, after receiving testimony from Senator Menendez; and George Lisicki, and Robert E. Wallace, both of the Veterans of Foreign Wars of the United States, Washington, D.C.

LEGISLATIVE PRESENTATION

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Veterans Affairs Committee to examine the legislative presentation of the Disabled American Veterans, after receiving testimony from Senator Webb; and Robert T. Reynolds, Disabled American Veterans, Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 9 public bills, H.R. 5522–5530; and 11 resolutions, H. Con. Res. 306–309; and H. Res. 1013, 1016–1021 were introduced. **Pages H1219–20**

Additional Cosponsors: **Pages H1220–22**

Reports Filed: Reports were filed today as follows:

H.R. 1424, to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, with an amendment (H. Rept. 110–374, Pt. 3);

H.R. 1084, to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, with an amendment (H. Rept. 110–537);

H. Res. 1014, providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans (H. Rept. 110–538); and

H. Res. 1015, providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws (H. Rept. 110–539). **Page H1219**

Speaker: Read a letter from the Speaker wherein she appointed Representative Roybal-Allard to act as Speaker Pro Tempore for today. **Page H1189**

Recess: The House recessed at 12:40 p.m. and reconvened at 2 p.m. **Page H1190**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Page H1191**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Authorizing the Secretary of the Interior to lease certain lands in Virgin Islands National Park: H.R. 1143, amended, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, by a ⅔ yea-and-nay vote of 378 yeas with none voting "nay", Roll No. 88; **Pages H1192, H1204–05**

Nevada Cancer Institute Expansion Act: H.R. 1311, amended, to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, by a ⅔ yea-and-nay vote of 377 yeas with none voting "nay", Roll No. 89; **Pages H1193, H1205–06**

Agreed to amend the title so as to read: "To provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes.". **Page H1206**

Port Chicago Naval Magazine National Memorial Enhancement Act of 2007: H.R. 3111, amended, to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System; **Pages H1194–95**

Ensuring that hunting remains a purpose of the New River Gorge National River: H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River; **Page H1195**

Recognizing the 60th anniversary of Everglades National Park: H. Res. 845, amended, to recognize the 60th anniversary of Everglades National Park; **Pages H1195–97**

Honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement: H. Res. 807, amended, to honor the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement; **Pages H1197–98**

Orchard Detention Basin Flood Control Act: H.R. 816, amended, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, by a ⅔ yea-and-nay vote of 375 yeas with none voting "nay", Roll No. 90; **Pages H1198–99, H1206**

Bountiful City Land Consolidation Act: H.R. 3473, amended, to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest; **Pages H1199–H1200**

Commemorating the 200th anniversary of Congressional Cemetery: H. Res. 698, to commemorate the 200th anniversary of Congressional Cemetery; and **Pages H1200–01**

Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007: H.R. 1922, amended, to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System. **Pages H1201–03**

Agreed to amend the title so as to read: "To designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.". **Pages H1201–02**

Recess: The House recessed at 2:55 p.m. and reconvened at 6:30 p.m. **Page H1204**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 5th. **Page H1204**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed until Wednesday, March 5th:

Wright Brothers-Dunbar National Historical Park Designation Act: H.R. 4191, to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historic Park". **Pages H1203–04**

Presidential Messages: Read a message from the President wherein he transmitted the 2008 National Drug Control Strategy—referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means and ordered printed (H. Doc. 110–98) and **Pages H1191–92**

Read a message from the President wherein he notified Congress of the continuation of the national emergency declared with respect to the actions and policies of certain members of the Government of Zimbabwe—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–99). **Page H1207**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H1204–05, H1205–06, H1206. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:04 p.m.

Committee Meetings

IMPROVING SCHOOL NUTRITION

Committee on Education and Labor: Held a hearing on Challenges and Opportunities for Improving School Nutrition. Testimony was heard from Kate Houston, Deputy Under Secretary, Food, Nutrition and Consumer Services, USDA; and public witnesses.

FUTURE U.S. COMMITMENTS TO IRAQ

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia and the Subcommittee on International Organizations, Human Rights and Oversight held a joint hearing on Declaration and Principles: Future U.S. Commitments to Iraq. Testimony was heard from David Satterfield, Senior Adviser, Coordinator for Iraq; and Mary Beth Long, Assistant Secretary, International Security Affairs, Department of Defense.

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

Committee on Rules: Granted, by voice vote, a closed rule providing for consideration of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. The rule provides two hours of general debate in the House with 40 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Energy and Commerce, 40 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Ways and Means, and 40 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule provides that in lieu of the amendments recommended by the Committees on Energy and Commerce, Ways and Means, and Education and Labor, the amendment in the nature of a substitute printed in this report shall be considered as adopted. The rule waives all points of order against the bill as amended. The rule provides one motion to recommit with or without instructions. The rule provides that in the engrossment of H.R. 1424, the text of H.R. 493, as passed the House, shall be added at the end of H.R. 1424. Finally, the rule provides that the Chair may postpone further consideration ofthe bill to a time designated by the Speaker. Testimony was heard from Representatives Pallone, George Miller of California, Hinojosa, Stark, Kennedy of Rhode Island, Wilson of New Mexico, Ramstad, Hastings of Washington and Broun of Georgia.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 2857, to reauthorize and reform the national service laws, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute

recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Representatives McCarthy of New York, Matsui, Sutton, Platts, and English.

Joint Meetings

NATO ENLARGEMENT

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine enlargement issues facing the North Atlantic Treaty Organization (NATO) prior to the summit in Bucharest, Romania, focusing on democratic development, after receiving testimony from Michael Haltzel, Johns Hopkins University Paul H. Nitze School of Advanced International Studies Center for Transatlantic Relations, and Steven Pifer, former U.S. Ambassador to Ukraine, and Janusz Bugajski, both of the Center for Strategic and International Studies, all of Washington, D.C.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 5, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy, 9:30 a.m., SD–124.

Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of the Navy, 10:30 a.m., SD–192.

Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of the Treasury, 3 p.m., SD–138.

Committee on Armed Services: to hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program, 9:30 a.m., SH–216.

Subcommittee on Personnel, to hold hearings to examine the findings and recommendations of the Department of Defense Task Force on Mental Health, the Army's Mental Health Advisory Team reports, and Department of Defense and servicewide improvements in mental health resources, including suicide prevention, for servicemembers and their families, 2:30 p.m., SR–232A.

Committee on the Budget: business meeting to mark up the concurrent resolution on the budget for fiscal year 2009, 2:30 p.m., SD–608.

Committee on Energy and Natural Resources: business meeting to consider the nomination of J. Gregory Copeland, of Texas, to be General Counsel of the Department of Energy, 11:15 a.m., SD–366.

Full Committee, to hold an oversight hearing to examine the initial amendment between the United States and the Russian Federation on the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation, 3 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine strengthening national security, focusing on smart power and military perspective, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatal and postnatal diagnosed conditions, S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation, S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, H.R. 20, to provide for research on, and services for individuals with, postpartum depression and psychosis, and S. 1042, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, and any pending nominations, 9:30 a.m., SD–430.

Subcommittee on Children and Families, to hold hearings to examine the rising cost of heating homes, focusing on Low Income Home Energy Assistance Program (LIHEAP), 10:30 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine census in peril, focusing on getting the 2010 decennial back on track, 9:30 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the state of the

United States Postal Service one year after reform, 2:30 p.m., SD–342.

Committee on the Judiciary: to continue oversight hearings to examine the Federal Bureau of Investigation, 10 a.m., SD–106.

Special Committee on Aging: to hold hearings to examine elderly hunger in America, focusing on the steps needed to prevent this now and in the future, 10:30 a.m., SD–562.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, Economic Development Administration, 10 a.m., H–309 Rayburn, and on NASA, 2 p.m., 2358–C Rayburn.

Subcommittee on Defense, on Air Force, Contract award for tanker replacement, 10 a.m., and, executive, on U.S. Central Command, 3 p.m., H–140 Capitol.

Subcommittee on Financial Services and General Government, on Department of the Treasury, 10 a.m., 2359 Rayburn.

Subcommittee on Homeland Security, on Coast Guard 2009 Budget Impact on Maritime Safety, Security, and Environment, 10 a.m., 2362–B Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on Expanding Health Care Access, 10 a.m., 2358–C; and on Health Issues and Opportunities at the National Institutes of Health, Centers for Disease Control and Prevention, Substance Abuse and Mental Health Services Administration, and Agency for Healthcare Research and Quality/Fiscal Year 2009 Budget Overview, 2 p.m., 2359 Rayburn.

Subcommittee on Legislative Branch, on Library of Congress, 10 a.m., H–144 Capitol.

Committee on Armed Services, hearing on the Fiscal Year 2009 National Defense Authorization Budget Request from the U.S. Central Command and the U.S. Special Operations, 10 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on Fiscal Year 2009 National Defense Authorization Budget Request and Status for Space Activities, 3 p.m., 2212 Rayburn.

Subcommittee on Terrorism, Unconventional Treats and Capabilities, hearing on Fiscal Year 2009 National Defense Authorization Budget Request from U.S. Special Operations Command and U.S. Northern Command, 1:30 p.m., 2118 Rayburn.

Committee on the Budget, to mark up the Concurrent Resolution on the Budget for Fiscal Year 2009, 10:30 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''Climate Change: Competitiveness and Prospects for Engaging Developing Countries,'' 10:30 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investments, to authorize the issuance of a subpoena *ad testificadum* to Steven E. Mendell, President of Hallmark/Westland Meat Company, for testimony regarding the circumstances surrounding his company's recent recall of over 143 million pounds of beef products after the USDA determined the products were unfit for human consumption, 9:30 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''Competition in the Sports Programming Marketplace,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade and Technology, and the Subcommittee on Capital Markets Insurance and Government Sponsored Enterprises, joint hearing entitled '' Foreign Government Investment in the U.S. Economy and Financial Sector,'' 2:30 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, hearing on With Castro Stepping Down, What's Next for Cuba and the Western Hemisphere? 2 p.m., 2175 Rayburn.

Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, hearing entitled ''Nuclear Smuggling Detection: Recent Tests of Advanced Spectroscopic Portal Monitors,'' 2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up a resolution establishing the Task Force on Competition Policy and Antitrust Laws; followed by an oversight hearing on the Department of Homeland Security, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, oversight hearing entitled ''Poaching American Security: Impacts of Illegal Wildlife Trade,'' 9:30 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security, and Foreign Affairs, hearing on Oversight of Ballistic Missile Defense (Part I): Threats, Realities, and Tradeoffs, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on the Department of Energy Fiscal Year 2009 Research and Development Budget Request, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Finance and Tax, hearing on Improving the SBA's Access to Capital Programs for our Nation's Small Businesses, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Investment in the Rail Industry, 11 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on Tax Treatment of Derivatives, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on FISA Part II, 1:30 p.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on FBI Intelligence Reforms, 8:45 a.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, March 5

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 2663, Consumer Product Safety Commission Reform Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, March 5

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H. Con. Res. 292—Honoring Margaret Truman Daniel and her lifetime of accomplishments; (2) H.R. 5168—The 'Cody Grater Post Office Building' Designation Act; (3) H. Con. Res. 286—Expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago; (4) H.R. 5220—The 'Major Arthur Chin Post Office Building' Designation Act; (5) H.R. 5400—The 'Sgt. Michael M. Kashkoush Post Office Building' Designation Act; (6) H.R. 1084—Reconstruction and Stabilization Civilian Management Act of 2007; (7) H. Con. Res. 278—Supporting Taiwan's fourth direct and democratic presidential elections in March 2008; (8) S.J. Res. 25—Providing for the reappointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; (9) H.R. 5159—Capitol Visitor Center Act of 2008; (10) H. Con. Res. 307—Expressing the sense of Congress that Members' Congressional papers must be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers; (11) H. Res. 1007—Expressing the condolences of the House to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois; and (12) H. Res. 1013—Expressing the sense of the Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance. Possible consideration of H.R. 1424—Paul Wellstone Mental Health and Addiction Equity Act of 2007 (Subject to a Rule) and H.R. 2857—Generations Invigorating Volunteerism and Education (GIVE) Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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