United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, JANUARY 24, 2007 No. 14

House of Representatives

The House met at 10 a.m and was called to order by the Speaker pro tempore (Mr. CLEAVER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
January 24, 2007.

I hereby appoint the Honorable EMANUEL CLEAVER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord of history, and ever-present to those in need, we come to You in prayer to dedicate the work of this government to the common good of Your people, and to give glory to Your holy name.

May the words of Your prophet Isaiah ring true in this place at this time in history:

''A strong city have we. The Lord has set up walls and ramparts to protect us. Open wide the gates to Your presence and let in a nation that is just, one that keeps faith.

''A nation of firm purpose You will keep in peace. There will be peace if it places its trust in You. Because the Lord is an eternal rock, trust in the Lord now and forever.'' Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

H. Con. Res. 41. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute speeches on both sides.

LIEUTENANT COLONEL DAVID CANEGATA III AND SERGEANT FLOYD JAMES LAKE

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

Mrs. CHRISTENSEN. Mr. Speaker, it is with a heavy heart that I rise this morning to grieve, along with the residents of my entire district, over the loss of two members of the Virgin Islands National Guard who were lost when the Black Hawk helicopter they were on was shot down in Iraq on Saturday.

We thank God for them, their professionalism, dedication and their service, Lieutenant Colonel David Canegata III and Sergeant Floyd James Lake. And we thank God for the over 400 soldiers, men and women, who have served in this war, including five others who also made the ultimate sacrifice. We pray for their families and for the day that we will bring all of our soldiers home.

And so, Mr. Speaker, especially now, I am forced to ask on their behalf and on behalf of all of the people of the Virgin Islands who have sent our loved ones to every war from the Revolutionary to this in higher per capita numbers than most States, why it is that some would seek to deny us an even limited vote in the Committee of the Whole.

These brave men died in support of extending democracy in the Middle East. Every Member of this body should vote to extend democracy here at home, to support your colleagues and fellow Americans who happen to live in the District and territories, and we should have a unanimous vote on H. Res. 78.

THE TOWN STALKER

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

Mr. POE. Mr. Speaker, Justin Thurber was a deviant that liked to secretly sneak, slither around, and follow women who rebuffed him. He tracked them like one would track an animal for prey. He did not like being told no.

For the young women in a small Kansas college town of Arkansas City, Thurber's predatory actions were well

Printed on recycled paper.

known. He was the town stalker, the town weirdo. Jodi Sanderholm was one of his victims. When Jodi disappeared, her college friends knew who was responsible.

On January 5 of this year, Thurber had enough of being ignored by Jodi. He kidnapped her; he drove her to a remote, lonely, desolate area in the county. He raped her; he strangled her to death. He covered up his dastardly murder by hiding her body in the remoteness of the woods and he dumped her car in the lake. Jodi died, and the last person on Earth she saw was not her family, but the town stalker.

Mr. Speaker, nearly 1.4 million people are stalked each year, and most of them women. Intimidating a woman by following her around and showing up outside her home, work, and school is not romantic, it is a perverted crime. Hopefully the good people of Kansas will put this stalker in the ground.

And that's just the way it is.

BUSH HEALTH INSURANCE PROPOSAL

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

Mr. JOHNSON of Georgia. Mr. Speaker, last night President Bush unveiled a health insurance proposal that is nothing more than a tax hike on middle-class Americans. The President's plan would provide tax breaks to Americans who purchase their own medical insurance and would pay for it by taxing so-called high-priced health insurance plans.

And just who is the President referring to when he talks about those supposed high-priced insurance plans? Paul Krugman of the New York Times writes, ''We're not talking about the wealthy, we're talking about ordinary workers who manage to negotiate better-than-average health plans.'' That's right. In the same year that the President is once against submitting a budget making his tax cuts permanent, tax cuts that go overwhelmingly to the richest of Americans, he is proposing to shift more of the cost of health onto working Americans.

Mr. Speaker, this is not the way to solve our Nation's health care problems. This Democratic House will work and look at creative ways to reduce the number of uninsured without taxing the health care benefits of middle-class workers.

SCHOOLS, COUNTIES SUFFER WHILE CONGRESS FAILS TO ACT

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

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize and fund the Secure Rural Schools and Community Self-Determination Act amounts to a breach of faith to more than 600 forested counties across America.

For rural Lake County, Oregon, no stranger to economic challenges, this means 93 percent of the county's road budget has vanished. With 709 miles of road to maintain during rugged winters, basic maintenance and sure passage for school buses and emergency vehicles will be crippled.

County Commissioner Brad Winters says, ''Without these dollars, the destruction of our roads through lack of repair will be inevitable and we will be back to dirt.''

Failure to reauthorize delivers a blow to our schools, too. School District Superintendent Judy Graham put it this way: ''Our past challenges have made it difficult to offer even limited services. Losing county payments funding will devastate the environment our children rely upon to learn and grow.''

My colleagues, Congress must pass H.R. 17 and keep the Federal Government's promise to timbered communities. Time is running out.

RETURNING FREEDOM TO AMERICAN WORKERS

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

Mr. WILSON of South Carolina. Mr. Speaker, today I will reintroduce the National Right to Work Act. This bill seeks to end compulsory union dues and return to American workers their unalienable freedom of choice.

As ranking member of the Subcommittee on Workforce Protections, this is an issue with which I am actively involved. No American should be forced to pay union dues to get or keep a job. Ironically, even proponents of compulsory unionism acknowledge that coercion is the central pillar of our current Federal labor law.

By simply repealing certain provisions of the National Labor Relations Act and the Railway Labor Act, we can abolish forced union dues.

I am pleased to introduce this bill with 51 of our colleagues, and I urge you to join us in increasing the freedom and prosperity of American workers.

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

DELEGATE VOTING IS UNFAIR

(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 Democrats are stretching the Constitution beyond its limits and inviting further partisan abuse.'' Mr. Speaker, those aren't my words, that is a direct quote from a 1993 USA Today editorial. That was the last time House Democrats moved to give congressional voting privileges to the Delegates of the U.S. territories, and today they will attempt the same thing.

While the other side will cloak this move in the language of inclusion and fairness, make no mistake, this is a power grab. Democrats are simply looking for more votes on this floor. They will say this is fair and just, but keep in mind that four of the five U.S. territories are exempt from U.S. Federal income tax laws.

What is fair or just about letting untaxed Delegates vote on tax policy for the rest of Americans who do pay taxes? The American public should not be fooled by my friends on the other side of the aisle today. This is nothing more than a thinly veiled power grab, and it comes at the expense of the U.S. Constitution.

EAGLE SCOUT KNAVENSHUE

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

Mrs. CAPITO. Mr. Speaker, I rise today to extend congratulations to Jeremiah Kent Knavenshue, who recently accomplished the highest rank in boy scouting, becoming an Eagle Scout on October 4, 2006.

Jeremiah achieved a new title at the end of a 7-year career in Boy Scout Troop 88, which is chartered by the Elkins United Methodist Church. He served as an assistant patrol leader and bugler, and was elected patrol leader.

Jeremiah performed many community service projects, including Adopt-a-Highway and other community beautification projects. Boy Scout Troop 88 also organized a ''Scouting For Food'' project at Elkins, which is a national Boy Scout activity where members of the troop collect food donations from their community to allocate to food banks. For his Eagle Scout project, he cleared and finished an area in Riverbend Park for the public to use.

Jeremiah is a student at Elkins High School, where he is president of the Future Farmers of America chapter. He is a member of the National Honor Society and is on the wrestling team and participates in the band.

I am proud to recognize Jeremiah on his accomplishments. Randolph County and the State of West Virginia are fortunate to have him as a leader and a volunteer in his community.

APPOINTMENT OF MEMBER TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. Pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Regents of the Smithsonian Institution:

Mr. SAM JOHNSON, Texas.

□ 1015

PROVIDING FOR CONSIDERATION OF H. RES. 78, PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 86

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and on any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate on the resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Kirk of Illinois or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which may not contain instructions.

SEC. 2. During consideration of H. Res. 78 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield to my friend from California, the distinguished ranking member of the Committee on Rules, Mr. DREIER, 30 minutes; pending which I yield myself such time as I may consume. And during consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the rule before us provides 1 hour of general debate in the House equally divided and controlled by the chairman and ranking minority member on the Committee on Rules. The rule waives all points of order against consideration of the resolution and provides that the resolution shall be considered as read. The rule makes in order the amendment printed in the Rules report accompanying this resolution, if offered by Representative KIRK of Illinois or his designee. The amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question. The rule also waives all points of order against consideration of the amendment printed in the report, and contains one motion to recommit, which may not contain instructions. Finally, 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.

Mr. Speaker, let me clearly state that there is no obligation for any Member to offer the amendment. The rule simply allows Mr. KIRK or his designee the option of offering this amendment if they choose to do so.

Also, Mr. Speaker, the Republicans were given the option to offer a substitute, and they declined.

This resolution will amend the House rules and allow the five Delegates who were elected to the House of Representatives to vote in the Committee of the Whole.

The Committee of the Whole is comprised of all Members of the House of Representatives, and is a procedural forum in which the House considers debates and votes on amendments to most of the legislation reported out of committee. After consideration of amendments in the Committee of the Whole, legislation is reported to the floor of the House for final consideration.

As we all know, Mr. Speaker, Delegates and Resident Commissioner have the same powers, rights and responsibilities as full Members of the House, with some exceptions. They cannot vote on the floor in the House or in the Committee of the Whole, they cannot offer a motion to reconsider, and they are not counted for quorum purposes.

Mr. Speaker, this resolution provides certain protections that have been ruled constitutional by Federal courts. Specifically, no Delegate or Resident Commissioner can provide the deciding margin of any amendment considered in the Committee of the Whole. In other words, if the vote in the Committee of the Whole is decided by five or fewer votes, it must be reconsidered immediately by the House of Representatives.

Let me state this clearly for all my colleagues. No Delegate or Resident Commissioner will provide the margin of victory or defeat of any amendment. It is that clear.

Delegates and the Resident Commissioner will not be able to vote on final passage, nor will they be able to vote on procedural motions.

Mr. Speaker, the Delegates and Resident Commissioner represent people who serve in our Armed Forces. Thirty thousand residents of Guam are military personnel. Over 2,400 soldiers from the territories and the District of Columbia are fighting in Iraq and Afghanistan today, wars that this Chamber voted in favor of. American Samoa has the highest per capita casualty rate of any State or territory for the war in Iraq.

We believe that the people who fight and die wearing the uniform of the United States deserve to have their voices heard in the people's House.

Beyond that, Mr. Speaker, residents of all territories and the District of Columbia pay Social Security taxes, Medicare taxes under FICA. The people living in the territories and the District of Columbia deserve to have a voice in Congress, and their elected representatives, the Delegates and the Resident Commissioner, deserve to have a vote in the Committee of the Whole.

Mr. Speaker, while these voting privileges are in large part symbolic, and I, for one, believe that the District of Columbia, where people actually pay Federal taxes in addition to all the other contributions that they make to this country, deserve to have full voting rights in this Congress, but this is the least, I think, we can do to restore some modicum of representation to these millions of Americans, and I strongly urge my colleagues to support this rule and vote for the resolution.

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

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

I rise to express my appreciation to my very good friend from Massachusetts for yielding me the time and for his effort in getting us to the point where we are.

But, Mr. Speaker, I do rise in very, very strong opposition to not only this rule, but the underlying legislation, H. Res. 78, as well, which, as the gentleman has said very clearly, will authorize the Delegates and the Resident Commissioner to vote on legislation that is on the House floor.

I must confess that I am broadly disappointed in how we have arrived here. I am disappointed that we are here again debating a proposal which is, I truly believe, at its heart, unconstitutional.

While I have the utmost respect for my colleagues from the territories, and from the District of Columbia, if they want to vote in this body, Mr. Speaker, they should begin the statehood process, plain and simple. They should pursue that with great vigor and enthusiasm. And those who are the strongest supporters of it now have a majority in this House, which, I believe, should allow them to proceed with that effort if they so choose.

Now, Mr. Speaker, reasonable people can disagree as to the merits of this proposal. We are going to hear an awful lot this morning. However, I am also disappointed that we find ourselves in a situation where my colleagues at the Rules Committee have, once again, rolled back the transparency that I was very proud to work so diligently on behalf of when I had the privilege to serve as chairman of the committee. First, it was the ability to enforce the rules regarding putting record votes in committee reports. Thrown out the window. Next, rather than following the example that I was privileged to set in the 109th Congress of conducting

actual hearings and markups of rule changes, we find ourselves, Mr. Speaker, without the benefit of hearings with outside witnesses, without a committee report explaining the committee's thinking, without any opportunity for the minority to have its views published as part of the legislative history.

And I understand full well, Mr. Speaker, this, for the average American, is seen as inside baseball stuff. But deliberative democracy is something that is very near and dear to the founding of this country, the very basis on which our Nation was founded. And last night we had a great speech from the President of the United States that was delivered here in which he talked about our goal of working together.

But more than that, Mr. Speaker, I am disappointed about how my colleagues are approaching the most basic tasks of the Rules Committee. The Rules Committee is the all-important committee of the House, the traffic cop through which every major piece of legislation must go before it is considered here on the House floor. With the exception of privileged resolutions and items that we consider under suspension of the rules, what we really do here, and the appropriations process, we have tremendous responsibility. I argue that the Rules Committee is the single most important committee that exists in this institution because of the very, very unique role that we play.

I am so disappointed in how I have seen the basic handling of this committee. Any of you who have had the honor to serve as Chairs of committees know the challenges of crafting an agenda, of building support and moving that support forward. But as chairmen, we have a basic responsibility to maintain those very basic workings of the committee to ensure that Members have the documents that they need to discuss and debate matters that are before them.

Now, I don't want to belabor this, Mr. Speaker, by going through the particulars of yesterday's meeting, but I have to say it is very, very disappointing. Let me just say that my colleagues failed, the majority failed, at the most basic responsibilities, which disappoints me even more.

The last time this body considered, Mr. Speaker, the issue of Delegate voting, it was as part of an opening day rules package. The rule was changed, despite bipartisan opposition. That rule change led the then minority leader, our friend Mr. Michel, to file a lawsuit against the House to stop Delegates from voting on the House floor.

□ 1030

Well, the courts upheld the rule. They did so only because of the parliamentary sleight of hand which makes the right conferred on our colleagues illusory, illusory at the very best.

Mr. Speaker, 14 years later, this body is made up of 299 Members, 299 Members who were not here, never had a chance to vote on this issue before. And as I said, even back then there has never been a hearing, never been a process for us to hear from the scholars who clearly, clearly would spend a great deal of time and energy considering whether or not we should proceed with allowing the people who are not Representatives from States to have a chance to vote on the House floor.

So, Mr. Speaker, this is a very, very bad rule. It is a bad, bad, bad process. And what we witnessed last night in the Rules Committee was one of, if not the greatest, disservice to this institution that I have ever seen, it clearly is up there as one of the most pathetic and sad and disappointing things that I have ever seen.

As I said before, if my colleagues want the Delegates and the Resident Commissioner to enjoy the benefits conferred upon Representatives of the several States, they should encourage efforts to achieve statehood. There is nothing, nothing, Mr. Speaker, to be served by moving this unconstitutional rule any further in the process.

And to the point that was offered by my friend from Massachusetts on this notion of a substitute provided, I was taught very early on when I came to this institution more than a quarter of a century ago that you do not amend a bad bill. There is nothing that can be done in the amendment process that could make this constitutional.

And this notion that we have gone the entire route, the United States Supreme Court has not considered this, Mr. Speaker. I believe that what we are going to do here today, if it in fact succeeds, what we are going to do is we are going to embark on another legal struggle just as we did 14 years ago.

So I urge my colleagues to vote against this rule. And if the rule does prevail, I urge them to vote against the underlying resolution, Mr. Speaker.

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

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

Mr. Speaker, again I would remind my colleagues that the minority was given the opportunity for a substitute and they declined. I would remind my colleagues in the House that the one Member of the minority who came before the Rules Committee and offered an amendment, that amendment has been made in order if he so chooses to offer it.

So I guess, maybe because this is not a closed rule, it does not fit into the Republican talking points today, they are a little bit upset. But the bottom line is that we on the majority side have done our best to try to accommodate the minority.

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

Mr. McGOVERN. Mr. Speaker, not at this time.

Mr. DREIER. I completely understand.

Mr. McGOVERN. Mr. Speaker, I am glad the gentleman respects the courtesies of the decorum of the House.

Mr. Speaker, let me also say that it is a little bit difficult for any of us on this side of the aisle to stand here and be lectured about process by the distinguished former chairman of the Rules Committee, to be lectured about transparency, and about how the committee should be run.

I recall being in the committee when the USA PATRIOT Act was brought before the Rules Committee, went through a process of regular order, bipartisan process, and then was rewritten in the Rules Committees without anybody knowing what was going on, and then brought to the floor under a very closed process.

I remember a special interest provision that magically appeared on a conference report after the report was signed and closed. That is not the process that this new Democratic majority wants to be like.

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

Mr. McGOVERN. I yield 30 seconds to the gentleman from California.

Mr. DREIER. Mr. Speaker, as the gentleman goes through this litany of arguments, I would ask my friend if we ever, ever denied the wishes of a Member who asked that an amendment be withdrawn and gone ahead and made that amendment in order.

Mr. McGOVERN. I reclaim my time.

Mr. Speaker, I could be here all day, all week, all month and perhaps all year documenting and listing occasion after occasion after occasion where the former majority, I think, broke the rules of this House and did a great disservice to the rules of this House.

We have done our best to accommodate the minority on this rule. They had the opportunity to offer a substitute, they declined. An amendment that was brought before the Rules Committee has been made in order. If they don't want to offer it, they don't have to offer it. In fact, if they don't want it in the rule, we have made the offer that if they want to offer an amendment to strike the Kirk provision, they can offer an amendment on this floor and we will be happy to accept it.

So I think, Mr. Speaker, that this kind of talk of a bad process, and I should also point out just for the record that the Committee on Rules met in the afternoon, Mr. DREIER, not in the evening. Things have changed. We meet in the light of day, not in the middle of the night anymore.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of what is a very fair rule, H. Res. 86, to provide for the consideration of H. Res. 78, to amend the rules of the House of Representatives to permit Delegates and the Resident Commissioner to cast votes in the Committee of the Whole.

But I see no reason for any amendment to this very straightforward provision that is simply the right thing to

do. It is a rule that we have asked for in every Congress since I have been here, since the 105th, when the Republicans were in the majority, but have never had a chance to become a part of the rule.

I want to commend and thank my friend and colleague, our majority leader, STENY HOYER, as well as the original cosponsors of the resolution, Majority Whip CLYBURN, Caucus Chair EMANUEL, Vice Chair LARSON, Representative BECERRA and Rules Committee Chairwoman SLAUGHTER. My fellow Delegates and I greatly appreciate their steadfast support for inclusion and full participation of all Americans in our national assembly.

A few minutes ago I took to the floor to express my condolences and that of my constituents and to recognize the service to the family of two members of the Virgin Islands National Guard who were killed along with 10 other soldiers in the crash of a Black Hawk helicopter northeast of Baghdad on Saturday.

I mention this because you will hear a litany of objections from our colleagues on the other side of the aisle to the limited extension of democracy for me and the other Delegates because of constitutional concerns.

This attempt to prevent us from the practice of democracy in this limited way is shameful because my Republican colleagues know well that the proposal the House will be voting on today is constitutional, and that the Federal courts have held that it is.

Why then are they insisting that my fellow Delegates and I not be given the opportunity to participate more fully in the deliberations on legislation on the floor on behalf of our constituents, which is in keeping with our country's spirit of inclusion and democratic ideals?

When my Republican colleagues bring up the question of payment of taxes, they know well that the residents of the territories pay Federal taxes, we pay full Social Security and Medicare payroll taxes like every other American. We also pay the same Federal income taxes as prescribed by the tax laws that are passed here which I cannot vote on.

It is just under the principle of no taxes without representation, which goes back to the founding of our country, Congress allows those taxes to remain in the territory to fulfill Federal responsibilities there.

Moreover, because we get to keep those Federal taxes that we pay, we do not get the full benefit of all Federal programs. In the Medicaid program, for example, we receive less than a quarter of the Federal share of the program that we would receive if we were fully participating in the program.

Mr. Speaker, as a resident of a U.S. territory, my constituents proudly fulfill the ultimate responsibility of citizenship, being called upon to fight and die for our country, but without having a say in choosing who the Commander in Chief will be or having a representative in Congress with the right to vote on legislation on the floor.

I know this cannot completely correct this under the Constitution, but we can make this small step toward inclusion of all Americans in the democratic process. So I urge a ''yes'' vote on the rule and a ''yes'' vote on H. Res. 78.

Mr. DREIER. Mr. Speaker, my distinguished colleague from Miami, Mr. DIAZ-BALART, has just read the appellate court decision on this issue and has spent a great deal of time and effort, and I yield him 3 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the gentleman.

Mr. Speaker, let me begin by expressing my profound respect for the Delegates in this House, and most especially for their constituents. But above all, I rise, Mr. Speaker, with profound respect for the documents that we all swear to uphold when we are elected, when we take possession of this awesome responsibility, an honor granted to us by our constituents.

I think there can be few parts of the United States Constitution that are clearer when Article I, section 2 state ''that the House of Representatives shall be composed of Members chosen every second year by the people of the several States.''

Now, when in 1970, as you know Mr. Speaker, before there had been by law and precedent, Delegates of territories had been given some privileges in this House. And then in 1970 there was a clarification of those privileges. The vote was given to Delegates in standing committees in 1970. At that time, when the vote was given to Delegates in standing committees, there was some concern that that may be unconstitutional.

In fact, there was a colloquy on this floor where Congressman B.F. Sisk of California asked future Speaker, then Representative Tom Foley, about that issue. And I would like to read what future Speaker Foley said. ''Now, it is very clear that a constitutional amendment would be required to give the Resident Commissioner,'' and he is speaking about all of the Delegates, ''a vote in the Committee of the Whole or the full House.''

The point is that the constitutional issue does not touch preliminary advisory votes, which is what standing committee votes are, but only the votes which are cast in the Committee of the Whole or the full House.

Those votes, Mr. Foley said, can be cast only by Members of Congress. Now the appellate court, interestingly enough, and I really find it difficult to believe that it was not appealed to the Supreme Court, because the appellate court said, well, true, but we are not dealing with votes in this rule, we are dealing with a figment of our imagination related to votes because they do not count.

If they do count in the outcome of an amendment, there is an automatic revote. So they are not really votes. So since they are not really votes, they are not really constitutional. I think that was not a serious, I respectfully say this, ruling by the district court. But obviously this time if it does pass, I would assume that it will go to the Supreme Court where perhaps there will be a more serious ruling.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from New York, who was actually born in the territory of Puerto Rico, Mr. SERRANO.

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

Mr. SERRANO. I thank the gentleman. You are right. Perhaps it is that example that I present to you that shows why the system is broken. Because my parents chose to move in 1950 to New York, I am able to be a Member of Congress with full voting rights.

Had I stayed in Puerto Rico, I could only aspire to be a Resident Commissioner, which is fine enough, but without full voting rights. So, question: Since when does residency overpower and overtake citizenship? The 4 million people who live in Puerto Rico, the citizens, American citizens who live in all of the territories, have no way to represent themselves in Congress, have no way to vote for the President of the United States.

At this very moment, dozens of Puerto Ricans are mourned as they have died in the war in Iraq. Yet, their colleagues who will come back will not be able to express themselves in Congress, or express themselves through a Presidential vote in terms of how they feel about that war or about that service.

And so the issue today is simply this: Do you believe that American citizens, American citizens, that has to be repeated, American citizens, who live in territories, not States, have certain rights? I believe they have full rights. If it was up to me they would have full voting representation.

All we are saying today is that those Delegates, these representatives, will have a right to participate on the House floor.

□ 1045

We don't even go far enough to say that if the vote makes a difference, it stays put; there is a revote.

So what are we really giving them? An opportunity to participate in democracy. How can we be trying to spread democracy throughout the world when we are not willing to spread it right here at home?

Four million citizens live in the Commonwealth of Puerto Rico. Those 4 million could have six or seven Members of Congress if they were a State. The gentleman, rightfully so, says, well, if they want to be a State, they should be a State. There is only one problem with that: The group holding the colony, the American Government, has to initiate that progress, that system, to bring people into the Union.

You can't hold a colony for 108 years, in the case of Puerto Rico, and expect them to tell you at what time they want to be whatever they want to be, because for 108 years you have divided them into three different movements: independence, Commonwealth, statehood.

If we are holding the territory of Puerto Rico, it is our responsibility to say, we are ready to invite you to come in.

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

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

Mr. DREIER. Mr. Speaker, I would simply say that the gentleman's party is in charge now, and the process of beginning that move is really in your court. It is one that we will be very, very interested to engage in and look at and consider. I think that it would be an absolutely fascinating debate.

Mr. SERRANO. Reclaiming my time, that is a great suggestion. I am sorry that you didn't do it for the last 12 years.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 2 minutes to a very hardworking Member of Congress, our friend from Georgia, Dr. PRICE.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding on this extremely important issue. I, too, rise with great respect for the individuals who are Delegates and our Resident Commissioner. I also want to make it certain that I state up front that we commend all of the men and women who fight our battle in this war on terror with the recognition and appreciation that those men and women serve in a voluntary capacity, and our hearts and prayers go out to them and their families.

I do want to say, however, Mr. Speaker, that this process is a remarkable abuse of power. I oppose the rule and the underlying bill on the basis of both process and policy, which I believe to be flawed, and also because it is remarkably unconstitutional.

I am oftentimes reminded of the Lewis Carroll book, and sometimes I feel that way: Just because you say it is so doesn't make it so.

Individuals who promote what we are doing right now believe, in fact, that they can just make up rules at a whim. In fact, we are tied by the ultimate document of our Nation, and that is the United States Constitution. It makes it very clear in that Constitution, Article I, section 2, that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. It doesn't say territories, it doesn't say the Delegates of the territories, it doesn't say Resident Commissioner.

I might, indeed, support a move for statehood for any of those entities. However, this is an unconscionable action. This is a violation of the public trust, and it is a clear abuse of power.

Under this strategy, under this Democrat plot, the majority party could seat anybody, anybody, in the House. Who is next? Who would you like to seat next? Howard Dean? He has a significant constituency. Why not have Howard Dean have a seat in the United States House of Representatives and a vote in the Committee of the Whole?

Mr. Speaker, the American people are disgusted with this level of arrogance and the abuse of power that this demonstrates. I urge my colleagues to defeat this rule and to defeat the underlying bill. We will ultimately see the final defeat of this in the Supreme Court of the United States.

Mr. MCGOVERN. Let me encourage the gentleman from Georgia to read the rule. The Republicans were offered the right for a substitute. They could have had a substitute that null and voided this entire resolution, and they chose not to.

There is an amendment made in order under the rule by the gentleman from Illinois or his designee, which I strongly disagree with, that would essentially gut this entire provision. It would allow no one, with the possible exception of the gentlewoman who represents the District of Columbia, to be able to participate. So the opportunity is there. What the gentleman needs to do is read the rule.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Guam (Ms. BORDALLO).

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, I rise in support of the rule under consideration which, if adopted, will allow this House to openly and fairly debate an issue important to my constituents and to our fellow Americans who reside right here in the shadow of the Capitol dome, the citizens of our Nation's Capital City, and our fellow Americans who reside in the U.S. territories.

I urge a ''yes'' vote on this rule because it means we can move forward with this important debate. Our participation in the Committee of the Whole, a symbolic vote, in the manner proposed by the amendment to the rules would be consistent with the very foundations of our representative democracy.

This issue is about elected public office for which we, as Members and Delegates alike, take a solemn oath. Like all Members, we, too, solemnly affirm to support and defend the Constitution of the United States and to well and faithfully discharge the duties inherent with that responsibility.

Mr. Speaker, it is in keeping with this oath that I come to the floor today to appeal for support on the rule and the resolution on principle and on the merits of this issue.

This is about representation, the very core of this institution. This is about a symbolic but meaningful gesture. It is about inclusion. It is about the principle that every American deserves to be represented with a vote in Congress.

This is a step in the right direction. It is not without precedent, and it has survived review by the judicial branch. The history of service by Delegates to Congress from the territories dates back almost to the founding of our country. The noted and well-respected historian Robert Remini, in his excellent history of the House published just last year, notes that one of the most unique features of the House of Representatives under the Constitution is the fact that Delegates from the territories can participate, and have participated, in important debates.

I urge a ''yes'' vote on this rule in the spirit of this tradition.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to a very hardworking Member from Pittsburgh (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, we certainly appreciate and admire all of the citizens of the United States and all those from territories, and they participate in debate here.

One of the things that helps us understand what takes place here, I would like to go back to what happens in Alleghany County where I live in the city of Pittsburgh. We have an Alleghany County Council, and they meet in the city of Pittsburgh regularly, and some members of that council are citizens of the city of Pittsburgh; but their jurisdiction is not the city of Pittsburgh. What would happen if they decided it would be their jurisdiction to vote on issues that affected that city on matters of taxation and other issues that take place? I believe the courts would say that just because you are citizens of this area does not mean that your jurisdiction of your elected body extends to that city, and courts would strike it down.

This is not an issue of whether or not we respect and admire our friends and fellow citizens from these territories. It is the matter of the rules of what our Constitution states and what people can represent and what should be allowed in this body. It concerns me that on the tote boards here of the list of votes, it does not say whether somebody is a full Member or a Delegate. That, I believe, is something that is also going to mislead the American public as to the vote totals here.

But more than anything else, to be able to vote on issues that affect my constituents, whether it is taxation or other issues of representation, it is simply not in our Constitution to have that there, and I urge Members to vote ''no'' on this.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the District of Columbia, a place where there is taxation but not full representation.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and for reminding this House of the bottom line.

The delegate vote resolution on the floor will confuse many, anger others, and needlessly divide the people's House about a right to vote settled by the Federal courts 14 years ago.

Mr. Speaker, during the 103rd Congress, I had just finished my freshmen year. When the Democrats were in the majority, I submitted a legal memorandum and requested and obtained the right to vote in the Committee of the Whole for the residents of the District of Columbia.

The House decided to include the other Delegates as well because we normally have all been treated the same. Of course, we had no objection.

The Democrats, however, sent the matter to outside attorneys and experts who confirmed that a Delegate vote would be constitutional, and the House acted.

The Republican minority then sued the House. However, the U.S. District Court for the District of Columbia and the U.S. Court of Appeals both confirmed the constitutionality of the House's action in allowing Delegate voting in the Committee of the Whole, just as Congress had long done in subject matter committees created by the House.

The Republicans took control in the 104th Congress and withdrew the only vote the residents of the District of Columbia have ever had on the floor for more than 200 years.

I say to my friends on the other side of the aisle, there is nothing left to debate about. The courts have now spoken. You had your say. In a debate when the Democrats did it the right way, simply put it in the rules and allowed full debate, you debated then. You took it to the courts. You debated again, and you took it to the Court of Appeals, and you debated it again. If there had to be a debate, it should have been on January 4 when this Congress convened.

But for reasons I have not been able to find, it wasn't in the rules the way it was in the rules when I first got this vote. I want to be clear, this was a breakthrough for the District of Columbia when after my first term, I got this vote. My residents, seeing the first thing trotted out of this House now is not H.R. 328, for 4 years we have tried to get the full vote, but the vote I got 14 years ago, regard this as a setback for the District of Columbia.

This House and the Senate in 2006 reauthorized the Voting Rights Act of 1965. My friends, the D.C. vote is the Voting Rights Act of 2007, and we will be held accountable to enact this bill.

This is not my fight. The civil rights movement has spent 4 years, 4 years in actions all over America to get support for the full House vote for the District of Columbia. Most Americans expect that a vote for the District of Columbia will be the vote they see come from the House first. They are going to be completely confused.

I ask my colleagues on the other side of the aisle not to allow this needless debate to poison the atmosphere that Tom Davis and I have struggled to create for the last 4 years in a bipartisan bill for the full House vote for the District of Columbia.

The right to vote was taken out of the rules by the Republicans. If the Republicans took it out of the rules, it obviously was an obligation of the Democrats to put it back in. They had no alternative. Why not put it back in the rules? Why are we having to be drawn and quartered as Delegates out here? There are differences being drawn out here. Why is this debate dividing this House and seeking to divide the Delegates? Why is there a debate that divides me from my brothers and sisters who are Delegates? Why have you done this to us?

And don't you take the bait. Please don't take the bait. Respect the Delegates, not just me who pays Federal income taxes, but the other Delegates who fight and die in war disproportionately compared to the rest of us. What has my side done, giving the Republicans a nonissue?

□ 1100

Worse, they have subjected us to controversy and we don't want to be controversial. We want Delegates to be fully respected.

It is heartbreaking for me. This debate is entirely heartbreaking for me. As you know, this vote is not the full vote. That is what is heartbreaking. Look at the calendar. The calendar is empty because the committees are just organizing. Why isn't H.R. 328 the first bill out of the Democratic House? That is what I cannot explain to my constituents. They don't understand this debate. Somebody has got to come to this floor and tell me why I have to plead for the vote that the courts said I was entitled to 14 years ago.

It is time to go where we left off. Mark up at Judiciary Committee and let us get that vote out of here. For goodness sakes, you have got to give this vote to the Delegates. Move on.

The residents of the District of Columbia have been grateful for those Republicans who have supported our full House vote and for Democrats who have done so for so long.

The Delegate vote is unavoidable. Do it, get it done. But it is less than the full vote that the District of Columbia deserves and that you have supported. It does not set the standard have set for yourselves—to have me to come to the floor to ask for a vote that I won 14 years ago. The standard we have to meet is the standard we set for ourselves.

Full voting rights for the District of Columbia.

Mr. DREIER. Mr. Speaker, the very thoughtful remarks of our friend from the District of Columbia underscore the great challenge that we have here on both sides.

Mr. Speaker, I yield 1 minute to my very good friend from Hollidaysburg, Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding.

I rise today with great respect for the Delegates and the Resident Commissioner and all the people that they represent. But I strongly oppose both this rule and the underlying resolution.

The resolution we are considering today is, pure and simple, a power grab. There is no way I can support a resolution that dilutes the rights of the hardworking people of western and central Pennsylvania, and there is no reason they should support representatives that have their rights diluted.

The Democratic scheme tramples on the Constitution and the design of one man, one vote. Article I, section 2 of the Constitution clearly states the House "shall be comprised of Members chosen by the people of the several States." It does not provide full voting privileges for Delegates representing non-State territories.

Plain and simple, this is representation without taxation. This proposal will allow the Democratic Delegates to raise the taxes on the American people, but then they will not have to pay them.

I strongly encourage all members of the Pennsylvania delegation to vote against this resolution and protect the rights of the hardworking people of Pennsylvania.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I know that some of our colleagues on the other side of the aisle have seriously challenged the constitutionality of this proposed rule, as it was indicated yesterday by our good friend and colleague from the State of Louisiana and also now reiterated by my good friend from California.

Mr. Speaker, this proposed rule has already gone through the process where 13 of our Republican friends from the other side of the aisle 13 years ago filed a lawsuit in the district court, Federal District Court of the District of Columbia, to challenge the constitutionality of this proposed rule. And what happens? The judge ruled that it was constitutional. Our friends on the other side appealed the case to the Federal Circuit Court of the Court of Appeals of the District of Columbia, and they reaffirmed the decision of the lower court.

So when you talk about the constitutionality of this issue, Mr. Speaker, I submit to my good friends on the other side of the aisle, the constitutionality of this proposed rule is moot. It is a moot issue. We have already discussed this in the court.

Now, if my good friends on the other side of the aisle would like to appeal this case to the Supreme Court, then let us do it. But as far as I can read and with my limited knowledge of constitutional law, Mr. Speaker, this matter has already been settled in the

courts that say this proposed rule is constitutional.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to our good friend from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise, sadly, to oppose this unconscionable power grab in which the Democrats, who claimed they have changed, have clearly indicated that they are back. They are up to the old tricks that they tried 12 years ago when they were thrown out of the majority. Here they are again using the Constitution as a political Handiwipe and extending full voting rights to favored rotten boroughs.

Now what is a rotten borough? During the 19th century in Britain, there were municipalities with tiny populations that were given full voting rights, and it took Britain years to get rid of that political inequity.

Today, to these people we are talking about extending voting rights to territories that have a fraction of the population of a congressional district, one territory that has the population roughly of Butler County, Pennsylvania, one of my constituencies; one that has roughly the population of Mercer County, Pennsylvania. And to my good friend from Samoa, and he is a good friend, he represents a constituency with roughly the population of Mill Creek Township in Erie County, Pennsylvania, which I represent. And yet he would be given full voting rights within the Committee of the Whole. That is an outrage.

Democrats once stood for one man, one vote. Today on the floor of the House, they stand for one Samoan, 10 votes.

Vote this down.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER), our Democratic leader.

Mr. HOYER. Mr. Speaker, I don't know whether the gentleman who just spoke understands the pain that he inflicts, understands the lack of respect that he shows, understands the denial of democracy that he reflects.

I tell the gentleman that my friend who sits behind you, four aisles back, represents seven times as many people as you and I represent, seven times as many people, who, if they move from the island of Puerto Rico to the State of Maryland, the State of Pennsylvania, have full voting rights. But he inflicts on the gentleman from American Samoa and those Samoans who have fought for this country and died and are serving today who have no vote. And for you on your side to represent that this is a power grab, in my opinion, is absolutely unconscionable, in your words, because it is so inaccurate.

Why did the court of appeals rule this to be constitutional? Because it does not diminish any one of the 435 Members in this body. Why? Because this is symbolism. This is symbolic. The Delegates know it. The Delegates know that this is not full voting rights for them or for the people they represent. But it is an opportunity for them to participate and to reference on the board in the Committee of the Whole their vote, their opinion.

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

Mr. HOYER. I would be glad to yield to my friend.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman for yielding.

And I just want to say that I do have the utmost respect for my good friend from Pennsylvania, and I am really saddened this day to hear that the small population of the district that I represent doesn't mean anything to my distinguished colleague who had made the statement, alluding to the fact that there are not very many Samoans living in this great Nation of ours. I really am saddened by that notion.

Mr. HOYER. Reclaiming my time, Mr. Speaker, ladies and gentlemen of the House, what we are doing here is we are saying to five people, and I want to say you saw the pain of the representative of the District of Columbia who absolutely ought to have a full vote in this House. I hope that we will address that shortly.

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

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, my friend and classmate. We came together in 1981. I came a little before he did because he came in a special election, Mr. Speaker. He knows that I have the highest regard for him. We have worked very closely in a bipartisan way on a number of issues, and one of the things I was most proud of over the past several years was that my friend carried in his breast pocket quotes of mine on things that I said what we were in the minority about, the need for greater deliberation.

We considered, as my friend knows, a very noncontroversial issue, that being the extension of suspension days from Monday and Tuesday to Wednesday. We did that 3 years ago, a little over 3 years ago, and it had very little controversy to it. We began a very deliberative process. We had a hearing on that. Again, there wasn't much controversy.

And now I am going to take this opportunity to extend the quote of my friend, if he will indulge me, when he, on June 23 of 2003, at our Rules hearing on this said: ''The lack of free and fair debate on such important matters is an embarrassment to the Members who are privileged to serve. It demeans the House, it cheats the American people, and it offends our democratic traditions. Unfortunately, tactics designed to shut down debate are not an aberration; they are becoming the norm.''

And, Mr. Speaker, all I would say to my friend is that the sort of unpleasant debate that we are witnessing right now underscores the fact that moving through the procedure that we have to the House floor without a single committee hearing, without the input of scholars who might talk about the impact on this institution, on the American people, on the rights of American citizens, is something that we should consider. And that is the concern that we have. And I believe what we should do is withdraw this measure from the floor and go through regular order.

I simply offered, as the ranking minority member now of the committee, an amendment in the rule that would simply say that if I could offer, as the ranking member, the committee of jurisdiction, a germane amendment, I would like to have a chance to do that. And I was voted down in that quest.

Let us do proceed with what the gentleman has argued passionately for. He and I are both institutionalists, Mr. Speaker. Let us do allow the kind of deliberation that is essential to consideration of such an important issue.

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

Mr. HOYER. I yield to my friend.

Mr. MCGOVERN. Mr. Speaker, I just want to clarify for the record that the Rules Committee did offer the Republicans a substitute, which they declined. The amendment that was brought before the Rules Committee was made in order.

And I also would like to say, Mr. Speaker, in response to my friend, Mr. ENGLISH, that there are 58 million Americans who pay no income tax in this country, just payroll tax. I hope the gentleman is not suggesting that those people shouldn't have a right to vote.

Mr. HOYER. Mr. Speaker, reclaiming my time, and we are running out of time, I want to say that when I yielded, I was talking about symbolism. All of us believe that symbolism is very important. Our flag is a great symbol. Samoans have died for that flag. Residents of the District of Columbia have died for that flag. Residents of the Virgin Islands have died for that flag. Residents of Guam have died for that flag. And many, many residents of Puerto Rico have died for that flag.

Yes, this is symbolic, which is why the courts said it was appropriate, because it does not constitutionally diminish the vote of any one of the 435 Members of this body one iota. Why? Because if their votes make a difference, we automatically have a vote of the 435 of us. That is why the courts said this is absolutely constitutional.

It is not enough, what we do today. But it would be tragic if we do not do at least this basic step to recognize the inclusion of those who serve with us, who can speak with us, who can vote in committee across the street or in this building, but who have had their vote in the Committee of the Whole taken away from them when the Republicans took power in 1995.

□ 1115

Let us restore that vote today. Vote for this rule, which is a fair rule. And I say to my friend who quoted my comments, you were accorded a right to a substitute. You chose not to take it. You were accorded the right to an amendment. You now want to withdraw that. I will tell you that, on our side, if you want to withdraw that amendment by unanimous consent, we will not object. But my understanding is you don't want to make that request.

Mr. DREIER. Will the gentleman yield?

Mr. HOYER. We have given you that amendment.

My time is up. The last time you asked me to yield, you gave a speech. And that is fine, but you are going to do it on your time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say to my friend that we are clearly in a position where upstairs we had said that we did not believe we should amend a bad bill. But at the same time, I simply made the request for, as the ranking minority member, the right to have a germane amendment if we so chose. And that was, in fact, denied us on a party-line vote that we had in the House.

Mr. Speaker, at this time I am very happy to yield a minute to my good friend from Allentown, Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I, too, today rise in opposition to this rule and the underlying legislation. In this bill, the Delegates and the Resident Commissioner will be allowed to vote on proceedings in the Committee of the Whole; but if their vote is decisive, then there must be a revote in the full House without the participation of these Delegates. In other words, the bill says that your vote counts except when it doesn't count. And when it really, really counts, that is when it will make a difference in the outcome of the proceedings, it turns out that your vote doesn't count at all.

This kind of absurdity might be appropriate in the drama of Beckett or Ionesco, but it has no place in the making of American law.

And I do want to address the issue, too. In the last session I supported the Tom Davis-Holmes Norton bill to help deal with the issue of the District of Columbia's voting rights. I agree with that. I support that legislation, and we should take up that legislation. We shouldn't do it through this rule.

Also, with respect to self-determination in Puerto Rico, we have been supportive of Mr. FORTUÑO and his effort to allow for self-determination of the island where people have a choice to make: independence, territorial status, or statehood. Let that process take its course. This is not the way to go. I oppose the rule and the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Might I say, Mr. Speaker, it is a joy to see you in the chair, and I thank the member of the majority Rules Committee and the Rules Committee and a number of my colleagues.

And might I just remind my colleagues that we had some 10 years for the Members on the other side of the aisle to make good on a constitutional promise.

It should be noted that this very rule and its format has been affirmed on constitutional grounds. It was utilized by majority vote in the 103th Congress without one incident except three revotes.

The idea and concept is to again inform America that we believe in one vote, one person. I know historically the complete insult to being considered less than one vote. Slaves were characterized historically as less than one person. And so this particular legislation is a making of the whole of individuals who pay taxes, Federal taxes, Social Security, Medicare taxes, and individuals who we know, Mr. Speaker, have been on the front lines of Iraq, Afghanistan, and every single war.

And so to the American Samoa, to the District of Columbia, to the Virgin Islands, and to the District of Columbia along with Puerto Rico and the Commissioner, the argument for self-rule or however Puerto Rico will ultimately be designed is not the argument here today. The argument here today is to allow the constituents, some 4.4 million, represented by Commissioners and Delegates to have a constitutional right to vote. There is no way that this Congress, this Democratic Congress under the leadership of Speaker PELOSI and the leadership team, can reject the right for Americans to vote or those who are in many instances citizens.

And so, Mr. Speaker, I support the rule and the underlying bill, and would ask us to uphold the Constitution by voting today to allow those who have the right to vote to express their vote.

Mr. Speaker, I rise today in support of H. Res. 78, which would amend the rules of the House of Representatives to permit Delegates from the District of Columbia, Guam, the Virgin Islands, American Samoa, and the Resident Commissioner of Puerto Rico to cast votes in the Committee of the Whole House on the State of the Union.

I support H.R. 78 because restoring to the Delegates and the Resident Commissioner the right to vote in the Committee of the Whole is an act of simple justice long overdue. Indeed, Mr. Speaker, H.R. 78 merely restores the practice that prevailed in this House during the 103rd Congress. When the Republicans won control of this chamber in 1994, one of their first acts was to strip elected Delegates and the Resident Commissioner of Puerto Rico of their right to vote in the Committee of the Whole.

Let me point out at the outset, Mr. Speaker, that the rule we seek to restore today was rescinded by the Republican controlled 104th Congress, and prohibited by each succeeding Congress through the 110th not because the rule is unconstitutional or illegal but because for apparently partisan reasons. Four of the five Members directly affected by the rule are members of the Democratic Caucus.

But the fact is, Mr. Speaker, the authority of this House to confer voting rights in the Committee of the Whole upon elected Delegates and the Resident Commissioner of Puerto has been squarely addressed and upheld by the Federal courts.

When the House adopted a similar rule during the 103d Congress, Republican opponents immediately brought action in federal court challenging the constitutionality of the rule on the ground that it vested legislative power in persons who were not elected to represent citizens of any of the several States. In March 1993, the United States District Court for the District of Columbia upheld the rules change on the ground that the Delegate votes was structured so that Delegate votes in the Committee of the Whole were symbolic in nature and thus did not affect the final ultimate outcome of any vote. *Michaels* v. *Anderson*, 817 F. Supp. 126 (D.D.C. 1993), aff'd, 109 F.3d 623 (1994). For this reason, the court held that the rule did not unconstitutionally confer legislative power upon Delegates.

In affirming the district court, the Court of Appeals for the District of Columbia held that the additional authority conferred on Delegates by the rule change was "largely symbolic" and "not significantly greater than that which they enjoy serving and voting on the standing committees." Id. Nor was the court persuaded by the argument raised by opponents below that the rule change had the symbolic effect of granting Delegates higher status and greater prestige in their home districts. In rejecting the claim, the court noted that because of the savings clause contained in the rule, the claimed harm was "unproven, remote, and speculative" and of no unconstitutional moment. Simply put, the court held that the rule "was not unconstitutional as the delegation of an improper exercise of legislative power."

Moreover, Mr. Speaker, the Supreme Court has long held and it is now settled that the Congress has broad authority to take action with respect to the territories and the District of Columbia. See *Sere & Laralde* v. *Pilot*, 10 U.S. 332, 336–37 (1810); *Murphy* v. *Ramsey*, 114 U.S. 15, 44 (1885); *Binns* v. *U.S.*, 194 U.S. 486 (1885).

Mr. Speaker, our Nation's Capital of the District of Columbia, the United States territories of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands, all play an important role in this great Nation. They serve in our military. They are fighting for us right now in Iraq and Afghanistan. They are making and have made the ultimate sacrifice to protect and defend this Nation.

Mr. Speaker, more than 30,000 residents of Guam are on active duty in the Armed Forces of the United States. That is nearly 20 percent of the population of the territory. No other congressional district or State comes close to matching this measure of devotion. Approximately 2,500 soldiers from the District of Columbia and the territories are currently serving in Iraq and Afghanistan today. And American Samoa has the highest per capita rate of any State or territory in the Iraq war. The Iraq war

death rate per 1 million people in the population is almost as high for American Samoa as for the 10 highest States combined.

Sadly also, Mr. Speaker, the Nation lost 19 brave soldiers this past Saturday when the helicopter they were riding was shot down by insurgents. Two of the heroes who made this supreme sacrifice for their country were residents of the Virgin Islands.

Mr. Speaker, if a person can be called upon to pay Federal taxes and serve in the Armed Forces of the United States, then he or she should at least have the opportunity to vote for a Representative who could at least cast a symbolic vote in this Chamber on critical matters facing our Nation—issues like war and peace, equality and justice.

Mr. Speaker, taxation without representation is tyranny. In the aggregate, nearly 5 million persons residing in the District of Columbia, Guam, the Virgin Islands, American Samoa, and Puerto Rico are wrongly, and I say unconscionably, being denied a vote—and therefore denied a voice—in the most important legislative body in the world and making a mockery of our commitment to democracy and equal justice.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a Representative in Congress who can vote on the vital legislation considered in this body.

It is wrong, Mr. Speaker, that the citizens of the District of Columbia, who after all pay taxes to the United States, serve in the Armed Forces, and are subject to the laws and jurisdiction of the United States, are denied a vote in the body that imposes those taxes, raises and maintains the Armed Forces, and makes the laws that each of us must obey.

License plates in the District of Columbia remind us of their ongoing struggle for a proper voice in this Federal Government, reading: "Taxation without representation." The people in Boston felt so strongly about this in 1775 that they rebelled in Boston Harbor, launching the "Boston Tea Party."

This principle is no less vital today. We must not deny the territories of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands the right to have a vote in Congress. Doing so denies their important relationships with our Nation and contributions to our economy.

Mr. Speaker, I commend the gentleman from Maryland, Mr. HOYER, for introducing H. Res. 78, which honors and vindicates the residents of the District of Columbia and the territories. Not only do we appreciate their military service and tax receipts, we value their views and opinion in the halls of Congress.

I urge my colleagues to support H. Res. 78. But let us not stop there. I hope all Members will support H.R. 328, the D.C. Fair and Equal Voting Rights Act, which will give full voting rights in the House to the nearly 600,000 citizens of the District of Columbia.

Mr. DREIER. Mr. Speaker, I am very pleased to yield 2 minutes to a former member of the Rules Committee, we miss him greatly upstairs, our good friend from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank my former chairman on the Rules Committee for the time. And I rise in opposition to this rule and the underlying resolution, with some degree of sadness, because I certainly have great, great respect for the representatives of the territories and the District of Columbia. They are sitting here on the floor and speaking, and they are great Members. But I have to oppose this because I think that indeed, Mr. Speaker, it will be ruled unconstitutional in the final analysis.

And I know that the Democratic majority in the first 2 weeks, in the 100 hours, with the Six for '06 legislative agenda, the bumper sticker issues that were poll-tested; if you took an issue like this and you said to the American people, We are about to grant voting rights to the members from the territories that do not pay Federal income taxes, and these votes can raise your taxes, and they don't pay Federal income taxes, I think that the poll on that would be at least 90 percent in opposition. So if you are going to do things on a poll-driven agenda, you would not be doing this.

I think that it may end up being a moot point, Mr. Speaker, because voting in the Committee of the Whole, giving the Members that right, it may never occur. It may be a moot point, because with these closed rules and no regular order, there may never be any votes in the Committee of the Whole.

So I regrettably rise to oppose this. I think it is absolutely wrong. But I have great respect for my colleagues from the territories and the District of Columbia.

Mr. MCGOVERN. Mr. Speaker, I want to ask unanimous consent to have inserted in the RECORD a letter that was sent to the Rules Committee signed by Mr. FALEOMAVAEGA, Mr. FORTUÑO, Ms. ELEANOR HOLMES NORTON, Mrs. CHRISTENSEN, and Ms. BORDALLO in support of the underlying bill.

And let me remind my colleague from Georgia, this is not a closed rule. If he wants a closed rule, he has the right to amend it.

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

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

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I just wanted to appreciate the gentleman for placing items in the RECORD. I would point out that the majority leader has stated that the Republicans have described this as a power grab. In fact, the New York Times, the Chicago Tribune, The Washington Post, and USA Today describe it as a power grab.

Mr. Speaker, I withdraw my reservation.

Mr. MCGOVERN. What is the gentleman's objection?

The SPEAKER pro tempore. The gentleman reserved the right to object and has now withdrawn his reservation.

Without objection, the item will be placed in the RECORD.

There was no objection.

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

Hon. LOUISE MCINTOSH SLAUGHTER,
Chairwoman, Committee on Rules, Washington, DC.

Hon. DAVID DREIER,
Ranking Republican Member, Committee on Rules, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER AND RANKING MEMBER DREIER: We write to respectfully request your support for H. Res. 78, which has been introduced by our colleague from Maryland and the distinguished Majority Leader, the Hon. Steny Hoyer, to amend the Rules of the House of Representatives to afford us the opportunity to cast votes in the Committee of the Whole House on the state of the Union. We represent the District of Columbia, Puerto Rico, American Samoa, Guam and the U.S. Virgin Islands, and this rules change will have symbolic importance for us as Delegates and for our constituents.

We recognize this proposal as consistent with the provision that was provided for this same purpose within the Rules of the House of Representatives for the 103rd Congress. We further recognize this proposal to be within the Constitutionally-tested limits. H. Res. 78 would grant us meaningful participation in the legislative process along with our participation in standing committees. We hope that you will support H. Res. 78 and that you will favorably report this amendment to the Rules of the House of Representatives for the House to consider. Thank you for your consideration of our views.

Sincerely,

ENI F.H. FALEOMAVAEGA,
Member of Congress.
ELEANOR HOLMES NORTON,
Member of Congress.
LUIS G. FORTUÑO,
Member of Congress.
DONNA M. CHRISTENSEN,
Member of Congress.
MADELEINE Z. BORDALLO,
Member of Congress.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from California has 11½ minutes; the gentleman from Massachusetts has 3 minutes.

Mr. MCGOVERN. Mr. Speaker, I will let the gentleman proceed.

Mr. DREIER. Mr. Speaker, at this point, I am very, very pleased to yield 3 minutes to the distinguished Resident Commissioner from Puerto Rico, our good friend Mr. FORTUÑO.

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

Mr. FORTUÑO. Mr. Speaker, as the only Republican afforded a vote by House Resolution 78, I rise to thank my distinguished colleague from Maryland, Majority Leader HOYER, for introducing this resolution granting the five representatives of the nonstate areas of our Nation voting representation in the Committee of the Whole, but, perhaps even more importantly, for opening up the discussion of the status of the U.S. possessions and territories. That is what is going on here today.

I also rise to urge my colleagues who can exercise their right to vote on this amendment to the rules to give the representatives in the House from the District of Columbia, Virgin Islands, American Samoa, Guam, and Puerto

Rico the only meaningful representation we can provide our constituents in the House of Representatives. However, I do this with some reluctance since I share some legal concerns as well as fervor, because this proposed representation will be so limited: A vote on amendments to bills in the Committee of the Whole with a revote in the event that our votes become decisive.

What the House really needs to do for the almost 4 million U.S. citizens that I represent before the Senate, the executive branch, as well as this House is to authorize a process of self-determination for Puerto Rico. Puerto Rico has been a U.S. territory since 1898, and we still remain disenfranchised. Puerto Rican Americans have been citizens since 1917, and we have served with distinction and honor in our Armed Forces and have defended our Nation in every battlefield around the world. Actually, as we speak, we have lost 54 of our constituents so far in the gulf war on terrorism.

What my constituents really deserve is the opportunity to seek equal representation and equal responsibilities in the Federal system or, alternatively, the freedom of a sovereign nation, even though the latter option has very little support among my constituents.

I am pleased that 110 of my colleagues in the last Congress agreed, including leaders on both sides of the aisle, such as the distinguished majority leader, Mr. HOYER, to cosponsor the Puerto Rico Democracy Act. I am also heartened that the chairman of the committee of jurisdiction, the gentleman from West Virginia (Mr. RAHALL) and the ranking minority member, the gentleman from Alaska (Mr. YOUNG) have indicated that legislation for this purpose is a priority this year.

The question now, however, is whether to give all the territories and the District of Columbia as much representation for our constituents that my four nonstate colleagues and I can constitutionally provide: A vote in the Committee of the Whole that will not be decisive on the amendments. Together, the five of us represent 4.9 million U.S. citizens, Americans who fight and die for the United States every single day. I respectfully request that they deserve this representation, limited as it may be, until our status situation is fully addressed, as I hope it will be fully addressed in the near future.

Mr. DREIER. Mr. Speaker, I would inquire of the gentleman from Massachusetts how many speakers he has remaining.

Mr. MCGOVERN. I am it.

Mr. DREIER. Mr. Speaker, then I will yield myself the balance of the time.

Mr. Speaker, this has been a very, very sad debate. It has been a sad debate because of the lack of deliberation and the lack of the consideration.

The issue is, at best, controversial. I listened to the remarks of my very good friend, who, as I just told her, spends more time representing me now that we have this 5-day workweek than I do myself as a Californian because we spend so much time in the District of Columbia. Her remarks go right to the point of concern that we have raised about this process and why we are where we are at this juncture.

As I look at the other Delegates, and we have just heard from the Resident Commissioner, we obviously have the utmost respect for them, their service, and the great representation that they provide. And, over and above that, the issue that everyone has mentioned since the focal point of the State of the Union address delivered here by the President last night is that, as we prosecute this global war on terror, it is essential that we respect and revere every single life that has been lost in that struggle. And we know that there are many people who have come from the District of Columbia and from the other territories who have paid the ultimate price, and we are in debt to them for that.

But, Mr. Speaker, the thing that is very troubling to me is that we are at this point, without having ever given any kind of committee hearing, without any discussion or debate, and with a process upstairs that I think my colleagues on the other side of the aisle will acknowledge was really a great travesty and an injustice.

I want to express my appreciation to Mr. MCGOVERN. Mr. Speaker, Mr. MCGOVERN, when we were considering this rule upstairs, did make a good-faith effort in trying to offer a proposed compromise to this rule, and unfortunately he was denied the chance to do that.

□ 1130

As we look at the issue before us, many of us are troubled about the constitutionality of this, and our friends have basically just on the other side of the aisle discussed the court decision on this issue, Mr. Speaker, by saying what was stated by the circuit court. They used the word ''meaningless'' to describe this vote, and it was true, as I said, legerdemain, legislative sleight of hand, that they were able to at this juncture move through those two courts as they did with this measure.

But, Mr. Speaker, my plea to my very good friends and colleagues in the majority is simply let us go through the process of deliberation. Let us go through committee hearings. Let us hear from those very thoughtful scholars who so often testified before the Rules Committee in the past on a wide range of issues that we considered, and then after we go through that deliberative process, this process of democracy which we all hold near and dear, then I believe we could have a proposal that we could bring to the floor, if possible, to consider this measure.

Mr. Speaker, as I said, I am very, very, very disappointed at the way this whole issue has been handled, and frankly, as my friend from Marietta said earlier, all of the closed rules that we have had on these measures that were brought before us, we were told that when we got beyond the Six for 2006, that things were going to be much different.

A professor at my alma mater, Claremont McKenna College, wrote in the Orange County Register yesterday that that is like saying, I will respect you in the morning.

Mr. Speaker, we have seen a continuation of a clamp-down of deliberative democracy, and what we are faced with here at this moment, offer of a substitute aside, has denied the deliberation that this very important issue deserves.

So, Mr. Speaker, I urge my colleagues to oppose this rule, and if by chance the rule does pass, I urge strong opposition to the underlying resolution.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, let me restate what I said earlier: This rule allows for consideration of the only amendment offered in the Rules Committee yesterday. We also offered the minority the opportunity for a substitute, which they declined. If this bill is so awful, they could have introduced a substitute to null and void it. Indeed, the amendment that is made in order practically null and voids this entire bill. As someone who has been around for a few years, I do not think I have ever heard so many complaints about a rule that makes in order every single amendment offered in the Rules Committee.

But, Mr. Speaker, let me say, the old days are over. I could stand on this floor all day and cite a list of abuses by the former majority. Instead, let me focus on how this Democratic majority has chosen to operate.

For the last few weeks, we have heard complaint after complaint that the Republicans were not allowed to offer amendments on our Six for '06 agenda. Now the gentleman from California and others are complaining that we are allowing a Republican amendment. I have got a case of whiplash.

Mr. Speaker, I am afraid that by allowing the other side of the aisle to offer amendments and offer a substitute, we have messed up their talking points.

Mr. KIRK from Illinois came before the Rules Committee with a thoughtful amendment, offered in good faith. I happened to disagree very strongly with the substance of his amendment, but I support his right to offer it, debate it and get an up-or-down vote in this House. Indeed, I would urge my colleagues to go to the Rules Committee and to read the testimony of Mr. KIRK and also the statements by members of the Rules Committee, Republican members, who urged that this amendment be made in order. This was

a hearing, I would remind my colleagues, that happened in the light of day, not in the middle of the night.

Let me also remind my colleague there is no obligation for the gentleman from Illinois or anybody else to offer the amendment if they choose not to. It is up to them. Indeed, they could offer an amendment to strike this amendment from the rule if they want and have a closed rule, which they have become accustomed to under their leadership.

What we are allowing, Mr. Speaker, is for the Delegates and the Resident Commissioner to the House of Representatives to have a symbolic vote that will not count if they are the deciding margin of victory or defeat of any amendment. We are allowing for the possible consideration of an amendment. If the sponsor Member decides to offer the amendment to this resolution, he can offer it, or his designee. Finally, we are protecting that amendment from all points of order.

Let me close, Mr. Speaker, by addressing the rank-and-file Members on the Republican side. We believe that you have a right to be heard. If you come before the Rules Committee with thoughtful amendments, we will give you every possible consideration. We will not be perfect. We will do some things that you will not like, but the distinguished chairwoman of the Rules Committee Ms. SLAUGHTER and all of us on this side of the aisle have made it very clear that we will preside over a more open, democratic process than was the norm for the past 12 years.

The rule before us is a product of that commitment, and indeed, it responds to the Member who came before the Rules Committee to offer an amendment. I think that is good form.

Mr. Speaker, I would urge my colleagues to vote ''yes'' on the previous question and vote ''yes'' on the rule.

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

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 229, nays 191, not voting 14, as follows:

[Roll No. 51]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

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

NOT VOTING—14

Buyer
Castle
Cubin
Everett
Fattah
Frank (MA)
Jindal
Johnson (IL)
Lowey
Lucas
Norwood
Pickering
Radanovich
Rohrabacher

□ 1204

Messrs. ALEXANDER, RAMSTAD and KELLER of Florida changed their vote from ''yea'' to ''nay.''

Ms. DEGETTE and Mr. GORDON of Tennessee changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. DREIER. Mr. Speaker, I move to reconsider the vote on the previous question.

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to table will be followed by a 5-minute vote on adoption of the resolution, if ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 189, not voting 16, as follows:

[Roll No. 52]

AYES—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

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

NOT VOTING—16

Buyer
Cannon
Castle
Cubin
Everett
Fattah
Frank (MA)
Franks (AZ)
Jindal
Johnson (IL)
Lowey
Lucas
Norwood
Pickering
Radanovich
Rohrabacher

□ 1215

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 228, noes 188, not voting 18, as follows:

[Roll No. 53]

AYES—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)

Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Alexander
Buyer
Castle
Cubin
Everett
Fattah
Feeney
Frank (MA)
Jindal
Johnson (IL)
Lowey
Lucas
Norwood
Ortiz
Pickering
Radanovich
Rohrabacher
Rothman

□ 1226

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 93

Whereas at approximately 11:30 a.m. on the 23rd of January, 2007 the Committee on Rules began consideration of a special order of business providing for consideration of H. Res. 78;

Whereas the gentleman from Illinois (Mr. Kirk) submitted an amendment to the Committee for its consideration;

Whereas during a recess of the Committee, the gentleman from Illinois (Mr. Kirk) submitted a letter to the Chairwoman of the Committee on Rules requesting that his amendment be withdrawn from further consideration;

Whereas that letter was date stamped in the customary practice of the Committee;

Whereas it has been the long standing practice of the Committee to not further consider amendments that have been so withdrawn;

Whereas the gentleman from Massachusetts (Mr. McGovern) made a motion to report a special order of business providing for consideration of the amendment by Mr. Kirk despite its withdrawal;

Whereas when the issue of the withdrawal of the amendment was being debated by the Committee, the Ranking Republican Member attempted to obtain a copy of the letter from the Majority and the Majority willfully refused to produce a copy of the letter after repeated requests;

Whereas the wrongful refusal of the Majority to produce a copy of the letter under debate constituted a breach of the dignity and integrity of the Committee's proceedings; therefore be it

Resolved, that the House of Representatives disapproves of the actions taken by the Committee's Majority and directs the Chairwoman of the Committee to undertake practices to prevent future occurrences.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay on the table the resolution of the distinguished gentleman.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. BOEHNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair would also add that all Members please vote during the allotted time.

The vote was taken by electronic device, and there were—ayes 223, noes 189, not voting 22, as follows:

[Roll No. 54]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

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

NOT VOTING—22

Buyer
Castle
Chandler
Cubin
Doyle
Everett
Fattah
Frank (MA)
Gingrey
Jindal
Johnson (IL)
Lucas
McCrery
Norwood
Pickering
Radanovich
Rangel
Rogers (AL)
Rohrabacher
Ross
Scott (GA)
Wexler

□ 1247

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. WALDEN of Oregon. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the motion to adjourn offered by the gentleman from Oregon (Mr. WALDEN).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 185, nays 226, not voting 23, as follows:

[Roll No. 55]

YEAS—185

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

NAYS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Barton (TX)
Boucher
Buyer
Cubin
Cuellar
Cummings
Davis, Jo Ann
Everett
Fattah
Frank (MA)
Jindal
Johnson (IL)
Lucas
McCaul (TX)
McCrery
Musgrave
Norwood
Pickering
Radanovich
Reyes
Rohrabacher
Sánchez, Linda T.
Scott (GA)

□ 1310

Messrs. EMANUEL, TOWNS, and SPRATT changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERMITTING DELEGATES AND THE RESIDENT COMMISSIONER TO CAST VOTES IN THE COMMITTEE OF THE WHOLE

Mr. HASTINGS of Florida. Madam Speaker, pursuant to House Resolution 86, I call up the resolution (H. Res. 78) amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union, and ask for its immediate consideration.

The Clerk read the title of the resolution.

Mr. MCHENRY. Madam Speaker, I demand the question of consideration.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from North Carolina demands the question of consideration. The question is: Will the House consider the resolution?

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

RECORDED VOTE

Mr. MCHENRY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 186, not voting 24, as follows:

[Roll No. 56]

AYES—224

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone

Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

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

NOT VOTING—24

Abercrombie
Boucher
Boyda (KS)
Buyer
Carson
Cubin
Davis, Jo Ann
Everett
Fattah
Frank (MA)
Jindal
Johnson (IL)
Johnson, E. B.
Jordan
Kuhl (NY)
LaTourette
Lucas
Musgrave
Norwood
Peterson (PA)
Pickering
Radanovich
Rogers (MI)
Tancredo

□ 1329

Ms. LINDA T. SÁNCHEZ of California changed her vote from ''no'' to ''aye.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. JORDAN of Ohio. Madam Speaker, I was absent from the House floor during today's rollcall vote on considering House Resolution 78.

Had I been present, I would have voted "no."

The SPEAKER pro tempore. The Clerk will re-report the title.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 86, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 78

Resolved,

SECTION 1. VOTING BY DELEGATES AND RESIDENT COMMISSIONER IN COMMITTEE OF THE WHOLE.

(a) PERMITTING VOTES TO BE CAST.—Clause 3(a) of rule III of the Rules of the House of Representatives is amended to read as follows:

''3. (a) In a Committee of the Whole House on the state of the Union, each Delegate and the Resident Commissioner shall possess the same powers and privileges as Members of the House. Each Delegate and the Resident Commissioner shall be elected to serve on standing committees in the same manner as Members of the House and shall possess in such committees the same powers and privileges as the other members of the committee.''.

(b) APPOINTMENT OF CHAIR.—The first sentence of clause 1 of rule XVIII of the Rules of the House of Representatives is amended by striking ''a Chairman'' and inserting ''a Member, Delegate, or the Resident Commissioner as Chairman''.

(c) REPEATING OF CERTAIN VOTES.—Clause 6 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(h) Whenever a recorded vote on any question has been decided by a margin within which the votes cast by the Delegates and the Resident Commissioner have been decisive, the Committee of the Whole shall rise and the Speaker shall put such question de novo without intervening motion. Upon the announcement of the vote on that question, the Committee of the Whole shall resume its sitting without intervening motion.''.

The SPEAKER pro tempore. After 1 hour of debate on the resolution, it shall be in order to consider the amendment printed in House Report 110–3, if offered by the gentleman from Illinois (Mr. KIRK), or his designee, which shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) each will control 30 minutes of debate on the resolution.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very proud to be bringing this bill to the House floor today. This minor change in House rules represents a major step forward for the nearly 5 million Americans whose voice is not currently represented on the floor of this House. That is right, Madam Speaker, 5 million Americans go unrepresented on the floor of the people's House.

This is one of the few things we can do for the American body politic that is not only the right thing to do, it is easy to do as well.

One of the most simple, yet eloquent and powerful statements in support of what we will do today was made by one of our former colleagues several years ago. Ben Blaz served in this House for 8 years as the delegate from Guam in the mid-1980s and early 1990s.

□ 1330

Delegate Blaz is a man of unquestioned patriotism and uncommon valor. He retired from the Marine Corps with the rank of brigadier general, and during his time in the corps he was awarded the Legion of Merit, a Bronze Star with Combat V and the Vietnam Cross of Gallantry.

I give you a little background on the former Delegate so that our colleagues can have some context when I tell you what General Blaz had to say at one time on this House floor. What the general said about his status in the House and the faith of his fellow Guamanians was this: ''We are equal in war, but not in peace.''

So it is today, Madam Speaker. Over the past several months, and as recently as this week, in the deserts of Iraq and Afghanistan, young Americans from Guam, American Samoa, Puerto Rico, the Virgin Islands and Washington, D.C. have fought and died in defense of their country and in service to the Nation they love. In the helicopter that crashed last week, two from the Virgin Islands were on that helicopter and lost their lives.

And yet our colleagues, Mr. FORTUÑO from Puerto Rico, Dr. CHRISTENSEN from the Virgin Islands, Mr. FALEOMAVAEGA from American Samoa, Ms. BORDALLO from Guam and Ms. NORTON, from Washington, D.C., have no right to cast a vote and be a voice for their constituents and our fellow Americans out on the battlefield.

But, you know, Madam Speaker, I may be overstating the importance of this modest rules change. It is, after all, more symbolism than substance. Yes, our colleagues who I just mentioned will finally be able to cast a vote on the House floor, but, and this should be the clincher for my Republican friends who generally prefer to see democracy squelched in the people's House, if a vote cast by a Delegate or the Resident Commissioner or by them collectively amounts to the deciding votes on a question before the

House, then the vote is retaken without permitting them to participate.

So who could possibly be opposed to giving our colleagues, arguably some of the most gifted and thoughtful legislators in this Chamber, the right to cast a nondecisive vote on the House floor? I mean, that really should be done.

Let me close for now by doing something I don't often do here, and that is to quote the current President of the United States. Last night, Madam Speaker, standing where you are, not 25 feet from where I stand today, the distinguished President of the United States, President Bush, said, ''This is a decent and honorable country.''

What we are trying to do on the House floor today, colleagues, is the decent and honorable thing to do.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. DREIER. Madam Speaker, I rise today in strong opposition to House Resolution 78, which will allow the Delegates and the Resident Commissioner to vote on the House floor.

My colleagues who support this measure will talk about how the vote granted under this change in the House rules is merely symbolic and the votes cast don't count. But, Madam Speaker, that analysis says that the value of a vote is worth little more than its ability to be used in a press release or a letter to a constituent. I value my vote. I consider it to be an extraordinary honor to serve here, and I believe that the Delegates and the Resident Commissioners should and would desire to value their votes as well.

Those who advocate granting the right in the Committee of the Whole have apparently forgotten the full name of that committee. Madam Speaker, we are in the House right now, but when we are in the Committee of the Whole, it is called the Committee of the Whole House on the state of the Union. I underscore the word ''Union.'' We need to remember that.

The Union is made up of the several States, and only Representatives from those States may vote here on the House floor. That is what the U.S. Constitution says.

Yes, the Committee of the Whole finds its roots in the British Parliament, but the modern House of Representatives and the 17th century British Parliament used the Committee of the Whole for two vastly different purposes.

We use the Committee of the Whole House on the state of the Union for the purpose of allowing the House of Representatives to expedite the amendment process and to allow for a more free-flowing debate. We do not, and I underscore this, Madam Speaker, we do not use it to say that we are no longer the House of Representatives, and therefore allow us to close deliberations to emissaries of the Queen. That is not what going into the Committee of the Whole House on the state of the Union is about.

Madam Speaker, my colleagues from the territories and the District of Columbia feel disenfranchised, and I understand why. They enjoy many of the benefits granted to the citizens of the several States. However, with the exception of the District of Columbia, their representatives are different. For instance, some pay income taxes differently; some not at all. Some are subject to the recently increased minimum wage; others are not subjected to the recently increased minimum wage.

This change in the House rules is an end run around the United States Constitution. The court said so when it upheld the rule. Because the Constitution limits who can wield legislative power, in order to pass muster the rule had to make it appear that Delegates and Resident Commissioners had none.

It is the ultimate in illusions, Madam Speaker. When your vote counts, it doesn't count; and when it doesn't count, it counts. I will say that again. When your vote counts, it doesn't count; and when it doesn't count, it counts. That is really what we are doing here.

But we all know that Member voting behavior is far more subtle than my colleagues have led on. A recent academic study of voting patterns in the 103rd Congress showed that while the Delegate voting rule was in place, there was a drastic increase in the number of votes retaken in the House. While there were only three automatic revotes pursuant to the Delegate voting rule, there were a total of 75 votes taken in the Committee of the Whole that were retaken in the House of Representatives.

Madam Speaker, on those revotes, the study shows there was an average of 31 switches per vote, and that out of the 435 Members, 403 switched their vote at least once, and that there was an average of 3.9 switches per Member. While the Democrats will argue that the Delegate voting rule had no effect on the switching, there is no doubt that the rule change drastically increased the number of revotes here in the House of Representatives.

Madam Speaker, if we want to grant the Delegates the right to vote, we have, I clearly believe, two options: Either they need to start the path towards statehood, or we need to change the United States Constitution. I know full well, Madam Speaker, that both of them are long, difficult paths, but they are clearly preferable to this parlor trick of a rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 4 minutes to my good friend, the gentleman from Michigan (Mr. CONYERS), the distinguished Chair of the Judiciary Committee.

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

Mr. CONYERS. Madam Speaker, I want to thank the distinguished member of the Rules Committee, and I rise, Madam Speaker, in some shock about the strong opposition to this rule and the underlying bill.

I had never thought that I would hear a reason to deny a Member of the House of Representatives a vote because of convenience, because of the number of revotes that have occurred and whether or not the switched votes that took place were because of whether Delegates were voting or not. This is an incredible kind of an argument.

Today I commend the House leadership for bringing to the floor a small attempt to give our Delegates a voice in the House. This rule allows Congress to be more inclusive and integrated as it pertains to our Delegates.

Significantly, the rule brings the Congresswoman from the District of Columbia, ELEANOR HOLMES NORTON, closer to a House vote for the District, a vote that was almost realized through bipartisan efforts in the 109th Congress.

By giving our Delegates a vote in the Committee of the Whole, we provide these representatives with the opportunity to greater serve their constituents. I wonder what the rest of the citizens of this country would think would be wrong with such an opportunity for these citizens to have a voting Representative, as our citizens do?

Delegates will now have a record that reflects their positions on the measures that come before the House, but ultimately Delegates will be more involved with the work of the Congress, which would, at least in small part, become their Congress.

In recognizing our Delegates, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FORTUÑO and ELEANOR HOLMES NORTON, I point out that their contributions have been much like that of other representatives. Our Delegates already serve and vote on committee business, they serve in caucus and leadership positions, and they diligently represent the interests of their constituents. It is an honor to work alongside these Members. Why shouldn't we help them in this long, arduous struggle toward full membership in the House?

For the Delegate from the District of Columbia, I believe that a vote in the Committee of the Whole is a step toward achieving a vote in the House. It is not the final step. Our work to bring democracy to the Nation's Capital will continue after today's, what I hope will be a success.

For over 200 years, the District residents have been disenfranchised while assuming the responsibilities of United States citizenship. Like both State and territory residents, District residents serve in the Armed Forces and are currently represented in Iraq, Afghanistan and other countries in the world. Like

State residents, but unlike territory residents, citizens of the District pay Federal taxes and vote in Presidential elections.

However, the District is alone in that it is denied voting representation in the very entity that controls all aspects of the city's legislative, executive, and judicial functions—the Congress. No other entity—State or territory—lacks this much autonomy.

I will continue to support Congresswoman NORTON in her efforts to secure a vote for the District. I pledge to work towards such a vote in the coming weeks. This Congress is capable of a sound, bipartisan response and in fact proved as much last Congress. Let us now address the unfinished business of the 109th Congress and the unfinished business of our democracy.

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

Madam Speaker, the distinguished chairman of the Judiciary Committee knows I have the highest regard for him. I was simply quoting an academic study underscoring the fact that we very much need to have a greater opportunity for deliberation on this issue, rather than moving without any hearings whatsoever.

Madam Speaker, I yield 3 minutes to a very hardworking member of the Rules Committee, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Madam Speaker, we are here today to consider the Democrat leadership's proposed change to the current House practices to provide Delegates from U.S. territories with representation without taxation.

The Democrat leadership, in a political effort to pad votes, is willing to trample on the Constitution by allowing these Delegates to cast votes on amendments that could affect taxpayers across the United States of America without requiring that these residents pay taxes into the United States Treasury. According to a 2000 census, American Samoa had 60,000 residents, about one-tenth the size of an average congressional district. This too undermines the fundamental constitutional provision and principle of one man, one vote.

I encourage all of my colleagues to oppose this bad policy and political effort by the Democrat leadership and majority to extend representation without taxation to nontaxpayers and to dilute the votes of the American taxpayers in the United States House of Representatives.

□ 1345

Mr. HASTINGS of Florida. I would merely urge the gentleman to recognize that Puerto Rico has 4 million citizens, and I don't know what planet he is living on, but everybody in the District of Columbia pays taxes. And I don't understand this continuing argument. I am curious to know what would happen if Dallas, Texas, didn't have the right to vote in the House.

I would also remind the gentleman that the United States District Court of Appeals for the District of Columbia has already ruled that this matter is not unconstitutional.

Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ), my good friend and classmate who is the Chair of the Small Business Committee.

Ms. VELÁZQUEZ. Madam Speaker, I come before this House of Representatives, and I would like to speak not only on behalf of the 4 million American citizens who live in Puerto Rico, but also on behalf of the seven American Puerto Ricans who lost their lives in Iraq fighting to protect our Nation.

Today I rise to remove the muzzle from the mouths in support of the close to 5 million U.S. citizens' voices that are represented by the Delegates of the U.S. Virgin Islands, Guam, American Samoa and the Resident Commissioner of the Commonwealth of Puerto Rico. I say voices because that is all their representatives in Congress are allowed to utter at the well of this House of Representatives. It is time to allow them to also act on behalf of their constituents in this Chamber by allowing them to vote in the Committee of the Whole House.

Right now these Members are allowed to fully participate, not only debate, but also vote at the committees on which they serve with distinction. The change proposed is very measured. It simply allows our respected friends and colleagues to vote in an additional committee, the Committee of the Whole House.

Why are my colleagues from the other side of the aisle so unwilling to allow them in this committee? They do not seem to mind them in the other committees. Madam Speaker, my Republican colleagues have even placed the Republican Resident Commissioner of Puerto Rico in several committees, including Foreign Affairs.

My colleagues on the other side of the aisle claim that this rule may have constitutional problems. The reality is that the courts don't agree with this. I will tell my colleagues on the other side of the aisle, you cannot pick and choose which court decisions you agree with or you like. That is not how democracy works.

But as you all know, the Committee of the Whole House does not vote on final passage of legislation. It carries out similar work as the standing committees.

The only thing this new rule does allow is for our Delegates and Resident Commissioner colleagues to vote in a committee. The difference for their constituents is that this committee is not located in a small room, but meets here in this Chamber for all to watch.

Today's debate is about whether this House believes it is right to give these Members the opportunity to express their positions and values through the act of voting out in the open. Openness is a strong democratic value that all of us should support.

I want to emphasize this. These men and women are Members of this House. Let us help them express the voices of their U.S. citizen constituents by allowing them to vote in this committee as well.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to the distinguished ranking member of the Committee on Resources, the gentleman from Fort Yukon, Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, I rise to thank my distinguished colleague from Maryland, the majority leader, for introducing this resolution, but I am forced to oppose it.

The voting rights we are considering today are so limited in scope that they are merely symbolic, which has been said. Under the gentleman's resolution, the Delegates and Resident Commissioner will never be able to cast a vote to determine the final outcome of a vote, because if it were to be decisive, there would be an automatic revote on which they could not participate. As odd as it may seem, when it doesn't count, it counts. And when it counts, it doesn't count, as my good friend from California said.

Madam Speaker, this proposal falls far short from what we should be doing to address the way our Nation currently deals with its insular areas, and that is why I am unable to support this legislation. As chairman of the Resources Committee in the mid- to late 1990s, we led an effort, we, this side, not that side, led an effort that would have specifically addressed the question of political status of the 4 million American citizens that reside in Puerto Rico. That bill did pass this House by one vote, but the Senate failed to act on it.

In the last Congress, my good friend and colleague from Puerto Rico, the ranking member of the Insular Affairs Subcommittee, Resident Commissioner Luis Fortuño, revived this effort after 5 years of inaction. He introduced a bipartisan legislation that was followed with the recommendations set forth by the White House Task Force on Puerto Rico's Status Report to Congress.

Puerto Rico has been a U.S. territory with an unresolved political status since our Nation acquired the island in 1898. Puerto Ricans have been citizens and have honorably served in our Nation's Armed Forces since 1917. Close to 60 of them have already paid the ultimate sacrifice in our Nation's war against terror in Iraq and Afghanistan.

These 4 million U.S. citizens deserve more than just symbolism. They deserve a permanent resolution to the question of their political status.

Madam Speaker, I say respectfully, it is time we act honorably and give them the right to vote as a State.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2

minutes to the distinguished chairwoman of the Congressional Black Caucus and my good friend from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Madam Speaker, I rise in support of the resolution. The Delegates vote in committees. They are assigned the task. They spend the hours, and they deserve the vote in the full House. There is no reason, except for an act in 1995 that caused them to lose that right to vote in committees, Committee of the Whole, and here this resolution talks about voting in the Committee of the Whole.

We need their vote. They are citizens of our country. They work, they pay taxes, they fight our wars. There is no reason that they would not be allowed, not just the Committee of the Whole, as was mentioned just earlier, they also need that final vote on legislation. When you fight wars, and we are in some now, and some of their people are fighting, they ought to be represented and have a voice in this Congress.

At the same time, and I don't want anybody to mistake, the District of Columbia, who has over 700,000 residents, more than some of our States who have two Senators and a Congressperson, not being allowed the right to vote? Something is very wrong with that in this country where we live. And I believe that this is the first step to regain what they lost earlier, but it is certainly not, I hope, the final step.

It is important as we go forward and as we acknowledge Congresswoman, as I call her, Delegate ELEANOR HOLMES NORTON, my good friend, Congresswoman DONNA CHRISTENSEN and the Representatives from Puerto Rico and Guam and Samoa Islands, that they fight our wars, they pay taxes in D.C., and they serve in our Congress. So I rise to support it, and Members of the Congressional Black Caucus take a unanimous position that we support this legislation. We ask for its immediate passage, and we come back and give D.C. statehood that they have earned and should have.

Citizens from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. have paid taxes and have protected the Constitution of this country in our military. Some of our colleagues who have been fortunate enough to serve Americans in this august body have protected it as Members of Congress. It is now time for us to protect the rights of those citizens to at least be able to vote in the Committee of the Whole. It is a first step toward equity, equality and egalitarianism for so many people who have given so much but have received so little with regard to having a voting representative in the United States Congress.

Right here, in Washington, D.C., citizens were not allowed to even vote for President until the adoption of the 23rd Amendment to the Constitution in 1961, but which actually occurred in 1964. Right here, in Washington, D.C., citizens were not even allowed to vote for their own Mayor or local form of government until 1974. Right here, in Washington, D.C., as I face the setting sun, thousands of white tombstones, honoring some of the souls of individuals from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. face us as immortals. These citizens, about six miles away from where I stand at Arlington National Cemetery, have paid the highest price for freedom any individual will ever pay. These citizens—hardworking, women and men, some of whom have served and are still serving our country in Afghanistan and Iraq—two centuries and thirty-one years since the Declaration of Independence, do not have the right to full representation in Congress. I applaud my colleagues for beginning the process that, I hope, will ultimately allow the citizens from Guam, American Samoa, the U.S. Virgin Islands, Puerto Rico and Washington, D.C. full voting representation in Congress. This is but a small step, but it is a step in the right direction. It is right, it is just, and it is time.

Mr. DREIER. Madam Speaker, at this time I am very happy to yield 2½ minutes to my very hardworking friend from Grantville, Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Speaker, legislation to allow Delegate voting should have appeared on the 100-hour agenda because it would fit snugly under the agenda's general theme of symbolism over substance.

In fact, to bolster their case, the bill's advocates insist that Delegates' votes will be meaningless. But it is not meaningless. We have a written Constitution that clearly outlines who receives a vote in Congress. The principle is as clear as it is simple. The Members will be chosen every second year by the people of the several States. The Constitution doesn't provide exemptions to those rules in cases where it feels good, it is seemingly irrelevant or is politically expedient.

Residents of U.S. territories reap the benefits of the world's biggest economy; they are protected by the greatest military in the world, and they have coveted access to the 50 States. Yet territories, by definition, are not States. This status comes with pros and cons. On the one hand, they maintain a greater deal of autonomy, independent identity and self-determination. On the other hand, territories don't get the same representation in Congress as States do. This is a prime example having your cake and eating it, too.

There are many reasons to oppose this legislation. For one, it makes no sense in the people's House where representation is determined by population for Puerto Rico's 4 million to get the same vote as American Samoa of 57,000. It makes no sense to give Delegates a vote that doesn't count if it counts. And it makes no sense to pretend that this effort is anything but political opportunism.

But those aren't the most important reasons for opposing this bill. The most important reason is that it plays fast and loose with the constitutional limitations on who can vote on the floor of this House. We are not members of a backyard club making up rules on who gets to vote as we go along.

When we took this job, we swore to uphold the Constitution, and that is what I am doing by opposing this legislation today. If supporters of this bill think it is important to give Delegates a vote on the House floor, I urge them to draft a constitutional amendment, not a constitutional runaround.

I ask and I say to the majority's argument with us, it is not with us, it is with the Founding Fathers and the writers of the Constitution.

I ask my colleagues, and especially those from the great sovereign State of Georgia, to oppose this legislation.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield to a continuing champion of this subject for 3¾ minutes, the distinguished gentlewoman from the District of Columbia, most deserving of statehood, Ms. NORTON.

Ms. NORTON. Madam Speaker, I thank the gentleman for yielding and for his gracious introduction and work on this debate.

The other side really doth protest too much. Most Delegate votes, of course, don't carry the day, so a revote is not necessary.

If the vote doesn't count, if the vote is only symbolic, then it certainly has not been worth 2 hours of votes to adjourn, as if the world was coming to an end. It certainly has not been worth the insults to the Delegates. It certainly has not been worth the disgrace to the House of Representatives to have Members of this venerable House come down and take to the floor to argue against the right to vote that has been upheld by the Federal courts of the United States. It certainly isn't worth besmirching your name in that way, and besmirching ours because that debate has occurred here.

The matter before us is no longer subject to debate in a political body in our political system because that matter has gone the full way in our system. And the courts in our system, my friends, have the last word in our system on matters of constitutional right. You have got to understand that.

□ 1400

Using regular order, Mr. Speaker, right after my freshman year I wrote a memo arguing for the Committee of the whole vote. The Democrats didn't handle this matter lightly. Nobody in 200 years had argued that Delegates should have a vote on the House floor; they sent the memo to outside counsel, then they subjected it to debate in the Rules. The first day of the 103rd Congress the Republicans argued strongly against the matter. And then they did something very unusual, they took the House to court and lost in the district court and the court of appeals. This is a system of laws in which we work.

They had two more times to debate in the courts, in the trial court and in the court of appeals. They finally had their way politically. They had their way, notwithstanding what the Federal courts had found, and they yanked the

authority, court-approved authority of Delegates to vote out of the rules the moment they came to power, showing no respect for the Delegates, and an insult to the Democrats who had tried to maximize participation in the people's House.

I was thrilled and grateful to get that vote then, I welcome the vote now, but it is very hard to be grateful to the House or anybody else for a vote you are entitled to. A vote that offers so little for Americans who have given so much should be hard even for the other side to resist.

The test for the 110th Congress is not the Delegate vote, however. The test is the District of Columbia House voting rights bill, where we left off at the Judiciary Committee.

I want to thank Representative TOM DAVIS and the cosponsors of that bill. I want to thank the Democrats. I can't go anywhere in my own caucus that they don't say, when are we going to get to vote on your full House bill?

The Democrats have devoted decades of energy to full voting rights. I ask that the House bring forward H.R. 328 so that the House can vote on a full House vote for the District of Columbia.

Mr. DREIER. Madam Speaker, I am going to ask unanimous consent to yield the management of the time to my colleague from Pasco, Washington (Mr. HASTINGS).

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

There was no objection.

Mr. DREIER. Madam Speaker, as I do that, I would like to yield 2 minutes to the gentleman from Cherryville, North Carolina (Mr. MCHENRY), a hard-working Member.

Mr. MCHENRY. I thank my colleague.

Madam Speaker, today the House Democrats continue their abuse of power. They are pushing forward a measure to allow the territory Delegates, nonvoting Members of Congress traditionally, actually, not Members of Congress on a technical basis because they don't represent States, their constituents don't pay Federal income taxes, they are going to allow these individuals to cast votes and even preside when the Chamber meets. So let's have a quick Q&A on this; let's talk questions and answers here.

Why would the Democrats do this? Because 80 percent of the territory Delegates are, hold for an answer here, they are Democrats. They want to cushion their numbers. Why is this an abuse of power? Well, there is this little thing we Americans call the Constitution. It says, ''The House shall be comprised of Members chosen by the people of the several States,'' not territories, not mayors of cities allowed to vote on this House floor, not any individual, but ''comprised of Members chosen by the people of the several States,'' not non-State territories. But plainly the Democrats are cushioning their numbers and abusing their power.

The Democrats' power grab is a continuation of the abusive policies and actions they have taken since day one in this institution. Since day one they have shut down all debate. Since day one they have shut down the committee process. They held open a vote to change the outcome because they were losing on the vote. They ran through the Speaker's special interest project affectionately known as TunaGate, and all without fulfilling their pledge of working a 5-day week. In fact, in 3 weeks we only worked 40 hours in this House. That is a new Democrat majority, that is a continuation of the abuse of power.

What we have to do today is vote down this legislation that is, first, unconstitutional, and second, an abuse of power by the Democrat majority.

I urge my colleagues to vote ''no'' on this measure.

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the distinguished woman from the Virgin Islands, my good friend, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you for yielding, Mr. HASTINGS.

Madam Speaker, I rise as a representative of the people of the U.S. Virgin Islands, proud Americans who willingly and gladly serve this country in every way, including the ultimate sacrifice, as I have said on two occasions on this floor this morning, and who only seek the fullest representation possible under the Constitution of the United States, and that is purely and simply what H.R. 78 does. I thank the Democratic leadership, Mr. HASTINGS, and my colleagues for their support.

Just as it did in 1992, the rule granting Delegates the right to vote in the Committee of the Whole includes a mechanism which provided for an automatic revote in the full House of any of the amendments which passed or failed by a margin that included the votes of the Delegates. That rule and procedure was tested in Federal court and was upheld as constitutional.

While this is less than perfect, as is often said, we must not let the perfect be the enemy of the good, or, I add, the enemy of what is the right thing to do.

Listening to the strong objections from the other side on the basis of unconstitutionality, taxation, and others which are not relevant to the discussion, I have to wonder if these same objections would be raised by my Republican colleagues, an issue that is clearly one of participation and inclusion, if there were four Republican Delegates and one Democratic Delegate.

The one Resident Commissioner and four Delegates in the House of Representatives are the sole congressional representatives of over 4.5 million Americans. It is apparently lost to my friends on the other side of the aisle that these Americans have no representation whatsoever in the U.S. Senate in addition to their Delegates being unable to vote in the House of Representatives on legislation that has great and enduring impact on the lives of those we represent.

During the historic debate in 2002 on the resolution authorizing the use of military force against Iraq, for example, although I spoke on the record, I was not able to vote ''yea'' or ''nay'' on behalf of my constituents, many of whom I knew would soon be called upon to serve and die for their country.

Madam Speaker, my fellow Delegates and Resident Commissioner have worked closely with all of you at the committee level, some of us have chaired subcommittees or will be doing so in the near future. It is therefore fitting and proper that we be given the right to vote in the Committee of the Whole once again. It worked well in the 103rd Congress; it does not violate the Constitution.

We should be given this greater degree of participation in the forumlation of the laws that affect the lives of the people who send us here to represent them. And then once we have passed this, we must go on from here to give the residents of the District of Columbia full voting rights in this body as they deserve.

I ask my colleagues to respect your fellow Americans in the District and the territories. Do justice to your colleagues; let's get a unanimous vote for democracy. Vote ''yes'' on H. Res. 78.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, I rise, too, in strong opposition to this resolution which violates the Constitution and the fundamental intent of the Framers of the Constitution as well, and it does so in four ways.

First, it would allow Delegates to vote, even though our Founding Fathers intended that this legislative body represent the people of the States. The Constitution, Article I, section 2, clause 1, states, ''The House of Representatives shall be composed of Members chosen by the people of the several States.'' By definition, Delegates do not represent States.

Secondly, this resolution violates the principle of one person, one vote.

The average congressional district represents approximately 650,000 people, but three of these areas have populations of less than 160,000 people, and American Samoa has residents of less than 57,000 people.

The Supreme Court has already spoken on this. In 1964, the decision of Wesberry v. Sanders, the Supreme Court said, ''To say a vote is worth more in one district than in another would run not only counter to our fundamental ideas of a democrat government, but it would also cast aside the principles of the House of Representatives elected by the people. That was a principle tenaciously fought for and established at the Constitutional Convention.''

Thirdly, the qualifications for these Delegates are not the same as all the

other Members of the House. Neither Puerto Rico, American Samoa nor the District of Columbia requires that their Delegates be a citizen of the United States for 7 years, as all other Members have to be.

Fourthly, the Constitution requires that all Members be elected and ''chosen every second year.'' Puerto Rico Delegates, however, hold 4-year terms.

Finally, Madam Speaker, it was a former Democrat Speaker of the House who said, ''It is very clear that a constitutional amendment would be required to give Delegates a vote in the Committee of the Whole or in the House.'' H. Res. 78 does not do this.

H. Res. 78 obviously is not a constitutional amendment; it is, instead, an attempt to resurrect a shameful move done back in the 103rd Congress, back in 1993.

I do not support, nor should the Members of this side of the aisle nor any Members of this Congress, an assault on the Constitution of the United States nor an assault on the people of this country as well.

Vote ''no'' on this resolution.

Mr. HASTINGS of Florida. Madam Speaker, before yielding, I would just like for my distinguished colleague to reference two cases, Michaels v. Anderson, and the action of the United States District Court.

And since you are so worried about the constitutionality, I would just urge that you read those two cases; it may add clarity.

Mr. GARRETT of New Jersey. Would the gentleman yield?

Mr. HASTINGS of Florida. I wish I had the time.

Madam Speaker, as a matter of fact, with your permission, how much time do we have?

The SPEAKER pro tempore. For the majority, 8½ minutes before yielding, and 14½ minutes for the minority.

Mr. HASTINGS of Florida. Perhaps you can get some time from your side.

With that in mind, I had the good fortune, Madam Speaker, of traveling on two different occasions to American Samoa. I never met people that were more inclined to be patriots than the people of American Samoa. I had the good fortune of traveling there on each of those occasions with the gentleman now that I yield 4½ minutes to, my very good friend from American Samoa (Mr. Faleomavega).

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

Mr. FALEOMAVAEGA. Madam Speaker, I have had a sleepless night in pondering and wondering how this day's debate is going to turn out, and it is most unfortunate that this issue has become divisive among our colleagues this day.

Much has been said about America's insular territories and the District of Columbia. In fact, this is probably the first time in years that we have ever given this much attention to the privileges and rights of the five congressional Delegates, the privileges and rights of those of us who represent some 5 million fellow Americans that are part and parcel of this great Nation.

Some have said that the insular areas don't pay Federal income taxes, and therefore why are we allowing our congressional Delegates to vote in the Committee of the Whole. In the first place, it is constitutional; we have been through that test already 13 years ago.

The question of taxation without representation also comes to mind. And I submit to my friends on the other side of the aisle, it seems that at some period, at least in my humble opinion, at some period of time, if the Congress ever works its will to have the insular areas to pay Federal income taxes, that should we not also be allowed the right to vote?

How ironic that here under the shadow of our Nation's Capitol some 600,000 U.S. citizens pay Federal income taxes. And my distinguished colleague representing the District of Columbia for how many years has pled this case, no representation without taxation, but she pays taxes. So how ironic is it that we are talking about representation and taxation, and yet right under the shadows of our Nation's Capitol 600,000 U.S. citizens are denied their due representation by my distinguished friend and colleague from the District of Columbia in the process. Where is the equity and fairness in the process, Madam Speaker?

Much has been said about the population as a factor in this debate. And it seems that my friends on the other side have, almost to the point of making a mockery of the fact that I happen to have 70,000 residents of my district that I represent, I make no apologies for the fact that I represent some 70,000 residents of the United States territory of American Samoa. I make no apologies for the fact that nine of my soldiers have died fighting for our country's interest in that terrible conflict in Iraq, and about 40 or more wounded. I daresay, I wonder if any of my colleagues have a constituency of 70,000 whose soldiers, eight of them I have had to personally escort their remains to my district, which is about only a 16-hour flight from here.

□ 1415

I make no apologies for the fact that I am here because this body passed a law some 26 years ago to allow my little territory representation. So if my colleagues on the other side want to introduce a bill to get rid of Delegate representation in this body, then do so. But don't come here and make these, almost an embarrassment, to suggest that my little constituency is less important to the fact that there are 36 million Californians living in California. Is it any different than the 500,000 living in Wyoming, another half million living in Vermont, or other States of our great Nation? So let's not use population as a factor to suggest that because I only have 70,000 residents and some 130,000 living throughout the United States, that because of that reason we should not be here.

I submit, Madam Speaker, I am saddened that this has gotten to the point where we are caught in the crossfire, and here the congressional Delegates are caught in between the political movements that are going on.

I respectfully request and ask my colleagues on both sides of the aisle to pass this proposed resolution.

Madam Speaker. I rise today in support of H. Res. 78, amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union. I thank my good friend and colleague the gentleman from Maryland—the distinguished Majority Leader for his initiative and leadership by introducing this resolution now before us for consideration.

This is not the first time this proposed rule has been debated and adopted. In 1993, the 103rd Congress amended the House Rules in the exact manner we are discussing today. From 1993 to 1995, the House of Representatives voted to allow the Congressional delegates of the different territories to vote in the Committee of the Whole, with the caveat that if the outcome of the vote was within the margin of the number of Delegates voting, the Committee would rise and the House would revote the question without the participation of the Delegates. In 1995, the new Republican majority eliminated these provisions from the House Rules and our Congressional delegates no longer voted in the Committee of the Whole.

In the lawsuit filed by our Republican colleagues challenging these Rules in 1993, the federal district court determined that the Rules changes were constitutional. As the district court held, the determining factor that rendered these proposed rules constitutional was the revote provision that was included. In the view of the court, this provision essentially made the vote meaningless as an exercise of legislative power—a power that is reserved by the Constitution to the Representatives of the States. This judgment was later affirmed by the U.S. Court of Appeals for the DC Circuit.

Given that this amendment to the House Rules was adjudged to be constitutional only because it provided what was characterized as a meaningless vote, why are we discussing this legislation? I submit that we are here because although the privilege extended by this change in the Rules is meaningless as an exercise of legislative power, it is vitally important because it provides a forum for our representatives from Puerto Rico, DC, American Samoa, Guam, and the U.S. Virgin Islands to participate in the democratic process.

As the Majority Leader explained on the floor of the House last Friday when asked the purpose of this legislation, and he said and I quote, "the purpose is to honor democracy." Each of us has been elected by our home districts to represent their interests in the U.S. House of Representatives. Because we do not represent states we do not vote on legislation, but we do advocate on behalf of our constituencies nonetheless. The Rules changes contemplated here today represent a symbolic extension of our ability as Congressional delegates to advocate, to educate, and to inform

our colleagues in the House of Representatives as they vote on legislation that impacts the lives of some 5 million of our fellow Americans who live in the District of Columbia, the Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

If our goal here in Congress is to produce the best possible legislation, would it not benefit us to consider and debate in the Committee of the Whole the potential impact of legislation on all Americans, including those 5 million Americans residing in the territories? For example, given the strategic importance of Guam in the Pacific and the billions of dollars the United States spends on our military presence in Guam, wouldn't legislation pertaining to Guam benefit from the perspective of Guam's representative? Also, given that the Resident Commissioner represents nearly 4 million Americans, shouldn't his perspective on initiatives that impact the people of Puerto Rico at least be considered as Congress deliberates on such issues?

Another obvious benefit of this legislation would be that the votes taken in the Committee of the Whole would establish a voting record for our constituents to inform them of our positions on issues that affect the lives of all of our people. While we make every effort to ensure that those we represent here in Congress are familiar with our position on current issues, a recorded vote would provide evidence of our commitment to their issues of concern.

Recently, concerns have been expressed that, in my opinion, only distract from the fundamental issue of honoring democracy by agreeing to these Rules changes. First, this is not an issue of party affiliation. We are here from both parties. Second, this is not an issue of patriotism. We are all Americans—just as in your districts, our soldiers from the territories sacrifice their lives and limbs to protect our freedoms. Third, this is not an issue of population size. Our populations range from 70,000 to over 3.4 million. We are each here to represent the interest of our respective areas—territories, district, and commonwealth.

The Rules changes being considered to allow Delegates and the Resident Commissioner are important not because they would provide the territorial representatives a symbolic vote, but because they would enhance our opportunities to participate in the democratic process.

These changes have been judicially affirmed as clearly constitutional. The passage of these rules gives Congress the potential to enhance legislation produced in the House. H. Res. 78 would allow us as Delegates and Resident Commissioner to better represent our constituents by providing a voting record through which they could evaluate our positions on national legislation.

I strongly support this legislation and I urge my colleagues to support H. Res. 78, and allow the Delegates and the Resident Commissioner a vote in the Committee of the Whole on the State of the Union.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in opposition to House Resolution 78. This is an uncomfortable decision for me since for many years I have tried to convince the Republican-controlled Rules Committee to grant my friend, the Representative from the District of Columbia, a vote in the Committee of the Whole.

In the beginning I did so because the right to vote in the Committee of the Whole, which has little meaning in practice, carried important symbolic meaning to people who had no representation at all.

Over the past 4 years, I have embarked on a journey to give D.C. a real vote in the House of Representatives. Working with Congresswoman NORTON and numerous legal scholars and many colleagues on my side from across the ideological spectrum, we have crafted a bill that was politically neutral, gave real rights to the District of Columbia, and solved Utah's special problem created in the last census to boot.

The Speaker of the House has been a cosponsor of my legislation. The majority whip says he expects the bill to be brought up quickly this session. It is clear that if our bill, the D.C. FAIR Act, were brought to the floor today, it would pass with solid support from both parties.

Today's resolution muddies the waters. It fails to recognize the fundamental difference between the District of Columbia and the territories. It ignores the carefully constructed bipartisan compromise we reached in the D.C. FAIR Act. It amounts, as The Washington Post opined today, to little more than ''dithering.''

I hope this vote, which grants illusory voting rights to Delegates, is designed to expose the strong support that exists for full D.C. voting rights. But pardon me if I appear cynical.

To the cynic in me, this resolution smacks of obfuscation. What the majority is doing today threatens to delay action on the real injustice that has plagued the District for more than two centuries. I am looking for assurances that this is not the case.

Admittedly, we could have avoided this awkward grouping of governmental apples and oranges if the Republican leadership had brought the bill to the floor at the end of last year. The bill was ready. It is ready now, too. It is time for the new majority to not just talk the talk.

What is proposed today in H. Res. 78 is not a politically neutral solution. It adds four Democrat votes and one Republican. Traditionally, when we have added votes in the House, we have done so in a politically neutral manner. Worse, this resolution mixes the interests of the District of Columbia, the Federal district, the capital of the free world, whose residents pay Federal income taxes, with those of the territories.

This mushy thinking is what has led to nearly 200 years of no representation for District residents. H. Res. 78 distracts attention and saps energy from the movement we have created behind D.C. voting rights. It is confusing and allows Members to check a box that in reality is not being checked.

Still it is tempting to support this, if only to get more Members of Congress acclimated to voting to expand representation for District residents. But this is a sham, and I am not going to be part of it. I can't condone grandstanding and symbolism when real reform is so easily within our grasp.

Mr. HASTINGS of Florida. Madam Speaker, I heard someone say the vote counts, and it doesn't count. But every time I see the scroll indicating that another American soldier has died, that is a count that adds up, and that count is firm. The people of, the residents of Puerto Rico and the Delegates lose the lives of their soldiers in that count along with those of us from the respective States.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Puerto Rico (Mr. FORTUÑO).

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

Mr. FORTUÑO. Madam Speaker, I am the only Republican afforded a vote under H. Res. 78, and I want to thank the gentleman from Maryland (Mr. HOYER) for introducing this bill. Having said that, I also want to thank the gentleman from Alaska, Resources Committee Ranking Member DON YOUNG, for bringing this issue to the appropriate perspective.

What the House really needs to do for the almost 4 million citizens that I represent before the Senate, the executive branch, as well as the House, is to authorize a process of self-determination for Puerto Rico.

Puerto Rico has been a U.S. territory since 1898, and we still to this day remain disenfranchised. Puerto Rican Americans have been citizens since 1917, and we have served with distinction and valor in our Armed Forces and have defended our Nation in every battlefield around the world. I will say that 18,000 served in World War I. Over 65,000 served in World War II, and I must say, the oldest surviving veteran of that war was my constituent, Mr. Emiliano Mercado, who died today of natural causes at the tender age of 115 years.

More than 48,000 Puerto Rican Americans served in Vietnam; 430 of them were killed and 3,000 were wounded. Close to 2,600 Puerto Rican National Guard volunteers and U.S. Army Reserve soldiers mobilized for Desert Storm.

So far, I have lost 56 constituents in the global war on terror. I regularly visit our soldiers at Walter Reed Army Medical Center. Every time I visit with our soldiers, our true American heroes, I cannot help myself but think that none of them have been able to elect their Commander in Chief, only because they reside in a territory. If they were to reside in one of the States, and they could because we are U.S. citizens, they would have been able to vote

for the Commander in Chief. This is morally wrong in the 21st century.

We are about to commemorate the 90th anniversary of Congress granting U.S. citizenship to the people of Puerto Rico, yet we still cannot vote for our President, nor vote in this Chamber, nor vote on legislation that affects us.

Congress has an unfinished agenda with Puerto Rico. The 4 million citizens that live in Puerto Rico should finally be given the opportunity to make an educated, fair and democratic choice regarding their final status preference.

After 108 years of territorial status and 90 years of being U.S. citizens, we are tired of waiting. The people of Puerto Rico deserve better, and we have earned our right to be heard.

I urge my colleagues to vote in favor of this resolution, but I bring it back to the bottom line, and the bottom line is that we have unfinished business with Puerto Rico as well as the U.S. territories.

Mr. HASTINGS of Washington. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the distinguished minority leader.

Mr. BOEHNER. Madam Speaker, let me thank my colleague from Washington for yielding.

I remind my colleagues that when the session started, as every session has started, we raise our right hands and we swear to uphold and defend the Constitution of the United States. That is our solemn obligation.

The Constitution outlines who has the right to vote here in the House. It clearly spells out that the Members from the States have the right to vote. Over the years as Delegates came to this House, they were granted the privilege of voting in the committee. That is not something spelled out in the Constitution.

I could describe what is going on here today is an outrageous grab of power by the new majority; a breach of the trust of the Members here. That is if it weren't such a silly idea.

To say to the Delegates that you can vote as long as it doesn't count, but if your vote counts, we are going to revote it, I think that diminishes the stature of the House, diminishes the stature of the Delegates, quite frankly, to say that they have a vote, but only if it doesn't count, because if it counts, there is an automatic revote under this rule that is outlined today.

I think it does demean the House. I think it undermines our responsibility to the American people. And I think that this should not be on the floor today.

The process by which this bill came to the floor, no committee hearings, a short Rules Committee hearing. We heard earlier today about the problems with the rule and how it was crafted. And here we are having this debate once again.

I was here in 1993 when this issue was brought to the House the first time. The debate was probably more rancorous then than it is today.

But it saddens me that there was no discussion about this with the minority. There was no advance notice of it until last Friday when the majority leader outlined the schedule for this week. So here we are, no opportunity to have a real conversation between the majority and the minority party about doing this.

Over the course of the last 3 weeks, and actually before that, going into December, I have done everything I can to reach out to the Speaker and the majority leader to try to work here in this House in a bipartisan way on the issues the American people care about. And it seems, though, over the last 3 weeks that more we reach out and offer our hand of bipartisanship, it is slapped away.

It happened last night up in the Rules Committee on the rule that brought this to the floor, and I am saddened by it. We have an opportunity to work together. We have an opportunity to do what the American people expect of us. But if we are going to do it together, we need to live up to our promises, and we need to live up to our commitments.

I don't think that what we are doing on the floor today helps that process at all. And so while it would be easy for me to describe this as a power grab, I could if I thought this meant something, but it means nothing. This is symbolism at its best. And in the process of creating symbolism for a few, I think we diminish our roles as serious legislators here on behalf of the American people.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield myself 30 seconds merely to respond to the distinguished minority leader that we offered in the Rules Committee a motion that they denied, and that was to have an opportunity to have a substitute. An amendment was made in order if the gentleman had chosen to make that amendment, and he chose not to.

But I say to those who argue that there is symbolism involved here that indeed there is. But death is more than symbolism. Death is real, and the persons who die that come from the 5 million persons that these Delegates and the Resident Commissioner represent are real people. They and their families need this symbolism.

Madam Speaker, I am very pleased to yield the balance of our time to the distinguished gentlewoman from Guam (Ms. BORDALLO), my good friend.

□ 1430

Ms. BORDALLO. Madam Speaker, I rise in full support of House Resolution 78, which would grant a measure of symbolic participation for the Delegates in the Committee of the Whole.

Our chairman referred to General Blaz earlier. He was a distinguished Delegate representing Guam, and he was a member of the Republican Party. But the participation is neither Democrat nor Republican here; it is American.

Let me say a few words about my district, the island of Guam. Some would point out that Guam's population is small, with only about 160,000 residents. I would point out that Guam has lost seven soldiers in the Iraq war, far more per capita than most communities other than maybe American Samoa. If our Nation had the same percentage of deaths in the Iraq war as Guam, the death toll would be more than three times the current toll. In other words, when it comes to joining the military and dying for our country, Americans from our island have more than contributed our share.

Some would say that Guam does not deserve this new level of participation. I would respond that you have not met the people of Guam who survived a brutal enemy occupation during World War II. You have not heard their stories of loyalty to our Nation. You have not learned of their confinement in concentration camps, of their being beaten and beheaded. You have not seen and felt their patriotism.

Our ability to participate in the Committee of the Whole would make these sacrifices all the more meaningful for us as Americans. It means, Madam Speaker, that my colleagues will recognize us for who we are, members, members of the American family.

Some would say that the test for our participation is our level of taxation. I say that you surely misunderstand the promise of America and the meaning of democracy. Democracy is founded on voting and participation. Would you teach this lesson to the Iraqis? Have we become this cynical as Americans that even symbolic participation is tested by the taxes that we pay? Is the greatest test the willingness to defend the Nation or the 1040s? Is the greatest sacrifice that made by our troops and their families or that made by our tax accountants?

If you would deny your fellow Americans, the people of Guam, this small bit of symbolic participation, the greater loss is our Nation's loss of its promise to the world of a democracy that is inclusive and that values all of its citizens. The loss is the ideal of American democracy, however imperfect. The loss is the recognition of a cynical Congress that wants to know how much taxes you have paid, not how much sacrifice that you have made for this great land. The loss, ladies and gentlemen, is not Guam or the territories or the District of Columbia. It is the Nation's.

Mr. HASTINGS of Florida. Madam Speaker, do we have any time remaining at all?

The SPEAKER pro tempore. The gentleman from Florida has 15 seconds remaining.

Mr. HASTINGS of Florida. In that 15 seconds, I would ask my friends, the

Delegates, if they would just stand and have America know something, that I am getting ready to cast a vote for them. They cannot cast a vote for themselves. How long does it take for 5 million people to be represented in this body?

I thank my colleagues.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in opposition to H. Res. 78.

This bill reverses the last 12 years of precedent and returns our House Rules to a questionable practice of delegates voting in the Committee of the Whole.

Our Constitution clearly states that Members of Congress should be chosen by residents of States.

As much as we appreciate the contribution of our great territories and the District of Columbia, they are not States.

If the other side would like to change that, they are welcome to propose a constitutional amendment.

Instead, this bill makes an end run around the Constitution by granting Delegates this privilege.

Opponents are arguing that the courts approved this practice as long as the House revotes on an issue if the Delegates make a difference in the outcome.

We are taking time away that we could be spending on more important issues by forcing a superfluous voting exercise on every closely divided issue.

This was a bad idea in 1992. A Chicago Tribune article at the time said: ''This change would subvert the Constitution to give the territorial delegates the power to vote, but guarantee that any time their votes really count, they won't be counted.''

And this is a bad idea today. Today's Washington Times editorial said: ''Despite Democratic protestations to the contrary. it's hard to see this rule change as anything other than an attempt to add four more votes to their majority.''

Frankly, we are creating a rule today that will waste our time and waste the American people's time.

Mr. HONDA. Madam Speaker, as chair of the Congressional Asian Pacific American Caucus, I strongly support H. Res. 78, a resolution that would restore the privileges of the House Delegates representing the District of Columbia, the U.S. Virgin Islands, Guam, and American Samoa, as well as the Resident Commissioner of Puerto Rico, to cast a vote in the Committee of the Whole.

For the past 12 years, Delegates and the Resident Commissioner have been deprived of the ability to sufficiently represent the voices of their constituents. The time is long overdue to restore this privilege.

Of great significance to the Asian Pacific Islander community, the resolution would give greater voice to the approximate 170,000 U.S. citizens in Guam, and the approximate 60,000 U.S. nationals in American Samoa.

Permitting the Delegates and the Resident Commissioner to vote in the Committee of the Whole improves the legislative process and increases the degree to which the House of Representatives accurately reflects needs of American citizens and nationals. In this regard, every American benefits with a truer democracy.

On behalf of CAPAC, I urge my colleagues to pass this measure.

Mr. HOYER. Madam Speaker, I am proud to be joined by House Democratic Whip Clyburn, House Democratic Caucus Chair Emanuel, Vice Chair Larson, and of course the distinguished chairwoman of the Rules Committee in sponsoring House Resolution 78.

This measure will restore voting rights in the Committee of the Whole for the four House Delegates and Resident Commissioner of Puerto Rico.

In fact, this measure is identical in substance to the rule that operated successfully—and constitutionally—from 1993 to 1995.

The purpose of this resolution is simple:

To honor democracy in every corner of the United States of America;

To provide that all people who are subject to the laws and jurisdiction of the United States have a voice in their national legislature; and

To give to the elected representatives of the District of Columbia, the U.S. Virgin Islands, Guam, and American Samoa and Puerto Rico—constituent parts of this country—the ability to register their views and take a stance on issues that are considered in the most important and representative committee of the house: the Committee of the Whole House on the State of the Union.

During the 103rd Congress, House Delegates, as well as the Resident Commissioner, were granted the privilege to cast a vote in the Committee of the Whole, a body comprised of all House Members whose function is to expedite consideration of bills and amendments on the House floor while ensuring that debate is fair to both sides of the aisle.

This right is a logical extension of the Delegates' right to serve on and vote in the House committees—a right, I must stress, that was granted in the 1970s and to which no Member of this body whom I know has ever objected.

The measure that we will vote on today is identical to the rule that existed in the 103rd Congress, which the U.S. Court of Appeals for the District of Columbia held in 1994 was constitutional.

To ensure that the provision complies with article I of the United States Constitution, in the event that a matter before the Committee of the Whole is decided by the margin of the Delegates' votes, the measure provides for an automatic re-vote in the full House, where Delegates and the Resident Commissioner may not participate.

Now, I want to address some of the misinformation that has been directed at this measure by opponents whose desire to defeat this resolution is more intense than their fealty to the facts.

I have heard opponents contend that this measure confers ''representation without taxation.''

That is false.

The residents who will benefit from this measure do indeed pay taxes in the form of Medicare and Social Security.

At a time when the President's own economic advisors predict that these two programs will go bust if changes are not made in the next few years, I for one believe residents of the five territories should have a voice in shaping a bipartisan consensus that shores up the financial health of these vital programs.

I have heard opponents contend that the average congressional district is 630,000 and that American Samoa, with a population of roughly 70,000 is too small to deserve even a symbolic vote.

However, opponents making this argument omit the inconvenient case of Puerto Rico, whose population of almost 4 million would entitle it to as many as six seats if it had full representation.

They also omit Wyoming, whose population of only 515,000 puts it well below the average congressional district.

I have heard opponents contend that the five votes will slow down the legislative process and distort outcomes.

According to a 1994 article in the Congressional Quarterly Almanac, ''Of the 404 times that delegates were eligible to vote during the 103rd Congress, only three times—all in 1994—did their vote prove decisive, triggering an automatic revote.'' Twice the outcome was reversed, proving that the rule worked.

My friends, I would submit to each and every one of you that something magical happens when 435 Representatives from the 50 States come to this floor to vote on behalf of their constituents.

Simply put, the genius of deliberative democracy achieves its fullest expression.

We hear each other out on issues of the day.

We get to know one another as something more than Members.

We come to understand the needs and aspirations of one another's districts, whatever our political leanings.

And through this process of personal interaction, we enact laws that, when we are at our best, make our country better.

By granting a limited but important vote to five of our colleagues, we will be honoring the deliberative democratic process.

In doing so, we will improve the legislative process and the degree to which the House of Representatives accurately reflects the views of the 300 million Americans who are subject to laws it passes.

In that sense, every American, as well as our democratic system of government as a whole, stands to benefit from House Resolution 78.

I urge my colleagues to support it.

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

The SPEAKER pro tempore. Pursuant to House Resolution 86, the previous question is ordered on the resolution.

The question is on the resolution.

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

Mr. HASTINGS of Florida. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 191, not voting 18, as follows:

[Roll No. 57]

YEAS—226

Abercrombie	Arcuri	Bean
Ackerman	Baca	Becerra
Allen	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Berry

Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

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

NOT VOTING—18

Boucher
Brady (TX)
Buyer
Carson
Castor
Costa
Cubin
Everett
Fattah
Frank (MA)
Herger
Jindal
Johnson (IL)
Lucas
Norwood
Pickering
Radanovich
Salazar

□ 1507

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Madam Speaker, had I been present for the vote on H. Res. 78, I would have voted "yea."

Stated against:

Mr. BRADY of Texas. Madam Speaker, on rollcall No. 57 on H. Res. 78, I am not recorded because I was absent due to illness. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately I was unable to cast my votes on the following rollcall votes on January 24, 2007. Had I been present to vote, I would have voted as follows:

On rollcall 51—The Previous Question for the Rule to consider H. Res. 78—I would have voted "no."

On rollcall 52—To Table the Motion to Reconsider—I would have voted "no."

On rollcall 53—Final Passage of the Rule for H. Res. 78—I would have voted "no."

On rollcall 54—The Motion to Table the Priveleged Resolution—I would have voted "no."

On rollcall 55—The Motion to Adjourn—I would have voted "yes."

On rollcall 56—The Question of Consideration of H. Res. 78—I would have voted "no."

On rollcall 57—To allow Delegates and the Resident Commissioner to vote in the Committee of the Whole—I would have voted "no." Our Constitution clearly sets forth who is allowed to vote in Congress and I believe that this bill is in direct violation to that provision.

PERSONAL EXPLANATION

Mr. NORWOOD. Madam Speaker, had I been present on rollcall Vote No. 43, I would have voted "no." Had I been present on rollcall Vote No. 44, I would have voted "yes." Had I been present on rollcall Vote No. 45, I would have voted "yes." Had I been present on rollcall Vote No. 46, I would have voted "yes." Had I been present on rollcall Vote No. 47, I would have voted "yes." Had I been present on rollcall Vote No. 48, I would have voted "yes." Had I been present on rollcall Vote No. 49, I would have voted "yes." Had I been present on rollcall Vote No. 50, I would have voted "yes." Had I been present on rollcall Vote No. 51, I would have voted "no." Had I been present on rollcall Vote No. 52, I would have voted "no." Had I been present on rollcall Vote No. 53, I would have voted "no." Had I been present on rollcall Vote No. 54, I would have voted "no." Had I been present on rollcall Vote No. 55, I would have voted "yes." Had I been present on rollcall Vote No. 56, I would have voted "no." Had I been present on rollcall Vote No. 57, I would have voted "no."

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Madam Speaker, I rise to address the House for the purpose of inquiring about next week's schedule, and I yield to my good friend, the majority leader, Mr. HOYER.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding, and I am glad that I am still his good friend. We are going to remain so.

On Monday, the House will meet at 2 p.m. for legislative business. We will consider several bills under suspension of the rules. There will be no votes before 6:30.

On Tuesday, the House will meet at 10:30 a.m. for morning hour debate and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of the suspension bills for the week will be announced later this week.

On Wednesday, the House will meet at 10 o'clock. We will consider a long-term continuing resolution. I want Members to hear that because on Wednesday we will consider the long-term continuing resolution. We have a continuing resolution which expires on February 15. The long-term will cover approximately nine appropriation bills that failed to pass in the last Congress and will fund most of government, other than the Defense Department and the Homeland Security Department.

The House will not meet on Thursday and Friday next week in order to accommodate the Democratic Members issues conference. I thank my friend for yielding.

Mr. BLUNT. I thank my friend for his response. I would like to inquire further on the topic of the continuing resolution.

I know the appropriations chairman has said that that would be a resolution that would not have earmarks in it. First of all, is that still the position of the majority that there would be no specific Member-oriented, district-oriented earmarks in this CR?

Mr. HOYER. I believe that that is essentially the case. The only reason that I do not answer that absolutely is there are some earmarks I think that are being looked at that have general application to the operations of certain departments; but beyond that, the answer is yes.

Mr. BLUNT. And with that caveat, otherwise should we anticipate this will be a CR that just extends the current CR? Would we expect to see either policy or additional funding language in the CR?

Mr. HOYER. Would the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for yielding.

There are some problems that are raised because bills failed to pass, military construction being one, the veterans being another, which have put us in a position where if there is not additional language and funding in the bill, and they are, of course, both as a result of the earmarks not being funded and as a result of the caps not being met that was in the Republican budget that passed but did not pass the Congress, and the level of funding in the 2007 bills that did not pass, there need to be some things in there that Mr. LEWIS and Mr. OBEY are both aware of. As I understand, they are working together in a bipartisan fashion. The staffs are working together.

So I will tell my friend, although I cannot tell you specifically because they are still working on it, as you know from your past experience that these are works in progress, that my expectation is there will be additional funding for programs that will be very adversely affected if they were required to go forward at 2006 levels or the lower of the House- or Senate-passed bills.

Mr. BLUNT. I thank my friend for that response.

I would ask further, if there are additions like that, which the obvious place to determine the merits of those additions is the House floor, will there be the opportunity for amendments and the ideas of other Members to be advanced?

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I thank the gentleman for yielding.

The answer to that question is we are working closely with the Senate. The CR expires, as you know, on February 15. The Senate has a very difficult challenge. I know that Mr. REID is trying to work with Mr. MCCONNELL to figure out how they can do it.

What we are really trying to do is trying to see if we can have a Senate and House agreement so that we can meet that February 15 deadline with this CR, which would not necessitate going back to a subsequent CR; in other words, making this a CR through September 30 of this year and take care of the 2007 funding cycle.

As Mr. OBEY has indicated, the reason for that is we are now proceeding on the 2008 cycle, and until we put the 2007 cycle behind us, it is difficult to focus on that.

So I frankly don't have the answer to that question at this point in time because those discussions are going on between the House and the Senate.

Mr. LEWIS and Mr. OBEY are involved in what we are doing here, and we are, after all, talking about nine bills, numerous departments and agencies and objects, and frankly, if that bill is open to amendment, CRs, as you know, generally come with closed rules, and they are clean CRs usually, but even some nonclean CRs, and that is for the public's sake, things that have additional items other than simply funding levels at a given level, have been closed rules.

Obviously to try to get through nine different bills on the House floor between now and February 25, much less February 15, if the bill is open to amendment, as appropriation bills generally are, as you know, would be something probably we would not be able to do. So that is being discussed, trying to figure it out.

I don't have a definitive answer for you here on Wednesday, but I want to tell you candidly that I believe there will not be a full opportunity in the sense that there has been, and I am not sure that I can represent to the gentleman that there will be an open rule.

Mr. BLUNT. I thank the gentleman for his response. In that regard, normally when we have had a closed rule on a continuing resolution, it has been a continuing resolution that did not include much or normally nothing in new policy, and we will have to watch these circumstances and hope that if there is a significant policy addition or significant financial addition, there is the normal process that goes on with appropriations bills to have a debate and a discussion about that. We are hopeful that whatever this bill is, it is as narrow as it can be and also that we get it out of the way as quickly as we can so that we can get on with the appropriations work for the next year.

I understand the challenge this creates for the appropriators, but the more we try to do the 2008 work in the 2007 bill, the harder that is, I think, to move that bill along quickly as well.

□ 1515

Let me ask one other question.

Mr. HOYER. Madam Speaker, if my friend would yield before he asks another question, as my friend knows well, having not passed appropriations bills, and, frankly, leaving in December without passing appropriations bills was, of course, the other body's judgment, we passed the bills through here except for the Labor-Health bill, we are placed in an extraordinarily difficult position. We labored long and hard, and I was then a member of the Appropriations Committee, on our bills. We considered them here on the floor. There was debate. There were amendments offered. They passed.

Frankly, the ideal, as you well know, would have been to have them pass, go to conference and pass them through both Houses. But we are now confronted with a lot of work product over a year on all of these bills out of the Appropriations Committee now sitting, frankly, in limbo with a deadline of February 15 to have a short-term CR, which we are not for. We want to complete this business.

So we have a challenge that I think is relatively unique, given all of this work product, of just not having a simple CR which says we do '06 levels, because all that work product would be, A, down the drain, and B, was responding to needs that the administration wants, that our military wants, that our veterans want, that others need. So that is the challenge confronting Mr. OBEY and Mr. LEWIS.

I know you appreciate that. The failure was not on this side of the Capitol, but the fact of the matter is, wherever the failure was, we are now confronted with trying to solve the problem.

I thank the gentleman.

Mr. BLUNT. I appreciate my good friend's comments in that regard too. As my friend knows, I argued and he argued and others did in November and into December that it would be so much better for this Congress if we could have worked with the other body and get these bills done last year. I regret that we didn't. I wanted to. I wanted to at least get some of them done. I think all of our colleagues on this side were on that side of the debate, or virtually all of us, and now we are faced with this work.

One other topic I would like to bring up today, because we didn't get to discuss it during the privileged motion, but I know my good friend from Maryland cares about the House, cares about the procedures of the House.

The topic that was raised earlier by the minority leader of an amendment submitted to the Rules Committee and then the Member who submitted it asked that it be withdrawn before the meeting; there may have been a similar occasion in the past, we can't find one in our research. I am hoping that was the fits-and-starts of a new Congress, rather than a new standard.

Occasionally Members, and your Members did it often during the last Congress, submit an amendment, realize as the debate develops and the discussion goes on that that is not an amendment that is in their best interests, or anybody else's, to be offered, and then request it be withdrawn.

I think we honored on every occasion, I believe, and if we did not, that

is beside the point, my belief is on every occasion, if a Member wanted to withdraw an amendment, we allowed that Member to do that. I hope that will be the process from now on in this Congress as well. I would be pleased to have your reassurance that we are headed in that direction.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding. I certainly reassure you we are moving in that direction, and I would hope that would be the case. I hope the gentleman will take this as a very friendly observation that in this case, the gentleman wouldn't take apparently yes for an answer. We were going to give him an amendment.

As you know, the day before we had been bitterly criticized for not giving amendments. I was not there and I did not participate in this decision, but the committee was confronted with wanting to be in a position to give an amendment. Then when they were told the gentleman didn't want the amendment, they in effect took yes for an answer. The gentleman did not.

I understand that. We want to accommodate that. You are absolutely right. If a Member doesn't want to offer the amendment, he didn't have to offer the amendment, he did not offer the amendment. Nobody has been forced to offer an amendment. He was given the opportunity to do so.

But we do understand that Members make decisions that maybe that is not what I want to do, and I would like to withdraw it. Certainly I hope we will accommodate Members in the future.

Mr. BLUNT. I thank you for that response. I would hope that would be the case. It has happened frequently. The gentleman has made no suggestion that this is unique or no one has ever thought about this before. It has happened frequently. When it has happened in the past, generally submitted by Members on your side to a Rules Committee at that time controlled by our side, when the Member said, wait a minute, I've changed my mind, that was always honored, with no sense of no, wait a minute; you put the piece of paper down, you now have to stick with it, even though we haven't acted yet.

Mr. HOYER. I want to say, Mr. Leader, we also wanted to give you a substitute, but you didn't want that either, and we didn't give you that substitute, then, I guess.

In any event, your point is well taken, and I don't want to be jocular about the fact. We really do want to make sure that you can come to this floor and think you are being treated fairly and openly and have an opportunity to make your legislative case. That is the way this body ought to work.

I know the first 2½ weeks now we have been moving on an agenda, rules changes and others, that we wanted to get done. As you know, some of these have involved rules changes, as this particular bill did.

As you know, although Mr. DREIER talked about having hearings on this, rarely does either side have hearings on the rules it presents. The rules package is put together by the majority party and there aren't hearings on it. It is offered on the floor and it is voted up or down. In this case we offered your rules, as you know, as they were in being in the 109th Congress. There were some additions we wanted to make.

But your point is well taken. I share your view that we want to make sure, whether we disagree, that you feel you got the opportunity on your side of the aisle to make your case.

Mr. BLUNT. Well, I appreciate my friend's comments. We look forward to that happening. I think we all will benefit from more debate, more discussion. That has always been the desire here, and often the minority doesn't feel like they get quite their opportunity to do that, but we hope that we have an opportunity to do that and look forward to moving to a process to where all the Members are involved, the new Members.

Some of these issues, I will admit, that we have dealt with in the last 2 weeks, in fact in the last Congress, the Congress I was in the majority in, passed bills highly similar. But the 60 new Members didn't get to participate in committee.

But that is behind us. I am prepared to look forward. I hope that we have those opportunities. We will look carefully at the character of the CR and hope that it is as minimal in its changes as possible and that all the members of the Appropriations Committee are part of that discussion.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 29, 2007

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

HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 29, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 88b-3, I am pleased to appoint the Honorable SHELLEY MOORE CAPITO of West Virginia to the Page Board. Ms. CAPITO has expressed her interest in serving in this capacity and I am pleased to fulfill her request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b-3– and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. KILDEE, Michigan
Ms. DEGETTE, Colorado.

HONORING GLENN H. CURTISS, A TRUE TRANSPORTATION PIONEER

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute.)

Mr. KUHL of New York. Madam Speaker, I rise today to remember and honor Glenn H. Curtiss from my hometown of Hammondsport, New York. Glenn Curtiss was a true transportation pioneer.

This week, I introduced House Resolution 84 to recognize Glenn Curtiss for setting the world's speed record on the first V–8 powered motorcycle exactly 100 years ago today. In honor of that ride in 1907, the Curtiss Museum and the City of Ormond Beach, Florida, which is the ''birthplace of speed,'' hosted a Curtiss motorcycle run on the beach today, January 24, 2007.

In addition to his recordbreaking speed, which was 137 miles an hour, Mr. Curtiss was the founder of the Curtiss Aeroplane and Motor Company, now part of the Curtiss-Wright Corporation. Glenn Curtiss also developed the first successful sea plane and manufactured the famous World War I Jenny training plane.

Again, Madam Speaker, it is with great pride that I rise today to honor the memory of Mr. Glenn Curtiss, and I encourage all Members to join me in honoring the legacy of Mr. Curtiss and cosponsoring House Resolution 84.

ENSURING EFFECTIVE OVERSIGHT OF U.S. TAXPAYER DOLLARS

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

Mr. KIRK. Mr. Speaker, the State Department has notified this House of the President's intent to transfer $86 million to provide vehicles, uniforms and body armor to Palestinian President Mahmoud Abbas' security forces. Yet on January 11, Abbas made the following remarks at a Fatah rally in Ramallah: ''Let 1,000 flowers bloom and let our rifles, all our rifles, all our rifles, be aimed at the occupation.''

Mr. Speaker, we have seen this movie before. In 1996, the U.S. pledged $100 million to help Fatah defeat Hamas terrorists. But in 2000, Yasser Arafat turned his American-funded security forces on Israel.

Now, Abbas calls on rifles to be aimed at Israel again, and we are poised to give him $86 million to upgrade his security forces, without first establishing an independent audit regime.

I urge my colleagues to apply the lessons of history and to increase the effective oversight of this taxpayer-funded program, which in the past has been turned against our allies in Israel.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). 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.

PUBLICATION OF THE RULES OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, 110TH CONGRESS

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

Mr. GORDON of Tennessee. Madam Speaker, I hereby submit for printing in the RECORD the Rules of the Committee on Science and Technology, as agreed to and passed on January 24, 2007.

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, FOR THE ONE HUNDRED TENTH CONGRESS

RULE 1. GENERAL PROVISIONS

GENERAL STATEMENT

(a) The Rules of the House of Representatives, as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and its Subcommittees and shall be decided without debate. The rules of the Committee, as applicable, shall be the rules of its Subcommittees. The rules of germaneness shall be enforced by the Chairman. [XI 1(a)]

MEMBERSHIP

(b) A majority of the majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio of the Full Committee.

POWER TO SIT AND ACT; SUBPOENA POWER

(c)(1) Notwithstanding paragraph (2), a subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by majority vote of the Full Committee or Subcommittee (as the case may be), a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chairman of the Full Committee, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, or if the Ranking Member cannot be reached, the Ranking Minority Member of the relevant Subcommittee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than seven (7) days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee.

SENSITIVE OR CONFIDENTIAL INFORMATION RECEIVED PURSUANT TO SUBPOENA

(d) Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with the Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

NATIONAL SECURITY INFORMATION

(e) All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

OVERSIGHT

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on Government Reform and the Committee on House Administration, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee may undertake any formal investigation in the name of the Committee after consultation with the Ranking Minority Member of the Full Committee.

(h) The Chairman of any Subcommittee shall not undertake any formal investigation in the name of the Full Committee or Subcommittee without formal approval by the Chairman of the Full Committee, in consultation with other appropriate Subcommittee Chairmen, and after consultation with the Ranking Minority Member of the Full Committee. The Chairman of any Subcommittee shall also consult with the Ranking Minority Member of the Subcommittee before undertaking any investigation in the name of the Committee.

ORDER OF BUSINESS

(i) The order of business and procedure of the Committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the Committee.

SUSPENDED PROCEEDINGS

(j) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, may recess the Committee at any point. Additionally, during the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives. Suspension of proceedings after a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, shall be conducted in compliance with the provisions of Rule 2(t).

OTHER PROCEDURES

(k) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

USE OF HEARING ROOMS

(l) In consultation with the Ranking Minority Member, the Chairman of the Full Committee shall establish guidelines for use of Committee hearing rooms.

RULE 2. COMMITTEE MEETINGS AND PROCEDURES

QUORUM [XI 2(H)]

(a)(1) One-third of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the Committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close Committee meetings or hearings pursuant to Rules 2(c) and 2(d); and, (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two (2) Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one (1) Member from each of the majority and minority parties.

TIME AND PLACE

(b)(1) Unless dispensed with by the Chairman, the meetings of the Committee shall be held on the 2nd and 4th Wednesdays of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI 2(b)]

(2) The Chairman of the Committee may convene, as necessary, additional meetings

of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business subject to such rules as the Committee may adopt. The Committee shall meet for such purpose under that call of the Chairman. [XI 2(c)]

(3) The Chairman shall make a public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of witnesses at least one (1) week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available by electronic form, including the Committee website. [XI 2(g)(3)]

OPEN MEETINGS [XI 2(G)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the Committee shall be open to the public, including to radio, television, and still photography coverage, except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the Committee and such nonCommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as thf Committee may authorize, may not be present at a business or markup session that is held in executive session. This Rule does not apply to open Committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the Committee shall be open to the public including radio, television, and still photography coverage except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence and Rule 2(q), a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any Committee or Subcommittee, unless the House of Representatives shall by majority vote authorize a particular Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this Rule for closing hearings to the public; Provided, however, that the Committee or Subcommittee may by the same procedure, vote to close one subsequent day of the hearing.

AUDIO AND VISUAL COVERAGE [XI, CLAUSE 4]

(e)(1) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(t)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two (2) representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

(2)(A) Radio and television tapes, television film, and internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(B) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(C) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a Committee or Subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

SPECIAL MEETINGS

(g) Rule XI2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN

(h) A Member of the majority party on the Committee, or any Subcommittee, shall be designated by the Chairman of the Full Committee as the Vice Chairman of the Committee or Subcommittee, as the case may be, and shall preside during the absence of the Chairman from any meeting. If the Chairman and Vice-Chairman of the Committee or Subcommittee are not present at any meeting of the Committee or Subcommittee, the Ranking Majority Member who is present shall preside at that meeting. [XI2(d)]

OPENING STATEMENTS; 5-MINUTE RULE

(i) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chairman and Ranking Minority Member. The time any one (1) Member may address the Committee on any bill, motion, or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five (5) minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. [XI 2(j)]

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the

Ranking Minority Member, may designate an equal number of members from each party to question a witness for a period not to exceed one (1) hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one (1) hour in the aggregate. [XI 2(j)]

PROXIES

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [XI 2(f)]

WITNESSES

(1)(1) Insofar as is practicable, each witness who is to appear before the Committee shall file no later than 24 hours in advance of his or her appearance, both a statement of the proposed testimony and a curriculum vitae in printed copy and electronic form. Each witness shall limit his or her presentation to a five (5) minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing before the Committee shall include with the written statement of proposed testimony a disclosure of any financial interests which are relevant to the subject of his or her testimony. These include, but are not limited to, public and private research grants, stock or stock options held in publicly traded and privately owned companies, and any form of payment or compensation from any relevant entity. The source and amount of the financial interest should be included in this disclosure.

(3) Members of the Committee have two weeks from the date of a hearing to submit additional questions for the record, to be answered by witnesses who have appeared in person. The letters of transmittal and any responses thereto shall be printed in the hearing record.

(m) Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one (1) day of hearing thereon. [XI 2(j)(1)]

HEARING PROCEDURES

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

BILL AND SUBJECT MATTER CONSIDERATION

(o) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the Committee or by a majority vote of a quorum of the Committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g). [XI 2(c)]

PRIVATE BILLS

(p) No private bill will be reported by the Committee if there are two (2) or more dissenting votes. Private bills so rejected by the Committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Committee.

CONSIDERATION OF MEASURE OR MATTER

(q)(1) It shall not be in order for the Committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the Committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter.

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the Committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the Committee is present.

REQUESTS FOR WRITTEN MOTIONS

(r) Any legislative or non-procedural motion made at a regular or special meeting of the Committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

REQUESTS FOR RECORD VOTES AT FULL COMMITTEE

(s) A record vote of the Members may be had at the request of three (3) or more Members or, in the apparent absence of a quorum, by any one (1) Member.

POSTPONEMENT OF PROCEEDINGS

(t) The Chairman of the Full Committee, or of any Subcommittee, is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and to resume proceedings on a postponed question at any time after reasonable notice. Upon resuming proceedings on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [XI (2)(h)(4)]

REPORT LANGUAGE ON USE OF FEDERAL RESOURCES

(u) No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the Committee during a meeting or otherwise in writing by a majority of the Members.

COMMITTEE RECORDS

(v)(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [XI 2(e)]

(2) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. [XI 2(e)(3)]

(3) To the maximum extent feasible, the Committee shall make its publications available in electronic form, including the Committee website. [XI 2(e)(4)]

(4)(A) Except as provided for in subdivision (B), all Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its Chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

(w) The transcripts of those hearings conducted by the Committee shall be published as a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman. [XI 2(e)(1)(A)]

COMMITTEE WEBSITE

(x) The Chairman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House. The Ranking Minority Member may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee Members and other Members of the House.

RULE 3. SUBCOMMITTEES

STRUCTURE AND JURISDICTION

(a) The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) Subcommittee on Energy and Environment

Legislative jurisdiction and general oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, commercial application of energy technology, and environmental research including:

Department of Energy research, development, and demonstration programs;

Department of Energy laboratories;

Department of Energy science activities;

energy supply activities;

nuclear, solar and renewable energy, and other advanced energy technologies;

uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities as appropriate;

fossil energy research and development;

clean coal technology;

energy conservation research and development;

energy aspects of climate change;

pipeline research, development, and demonstration projects;

energy and environmental standards;

energy conservation including building performance, alternate fuels for and improved efficiency of vehicles, distributed power systems, and industrial process improvements;

Environmental Protection Agency research and development programs;

National Oceanic and Atmospheric Administration, including all activities related to

weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research;

risk assessment activities; and

scientific issues related to environmental policy, including climate change.

(2) Subcommittee on Technology and Innovation

Legislative jurisdiction and general oversight and investigative authority on all matters relating to competitiveness, technology, standards, and innovation:

standardization of weights and measures including technical standards, standardization, and conformity assessment;

measurement, including the metric system of measurement;

the Technology Administration of the Department of Commerce;

the National Institute of Standards and Technology;

the National Technical Information Service;

competitiveness, including small business competitiveness;

tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization;

technology transfer including civilian use of defense technologies;

patent and intellectual property policy;

international technology trade;

research, development, and demonstration activities of the Department of Transportation;

surface and water transportation research, development, and demonstration programs;

earthquake programs (except for NSF) and fire research programs including those related to wildfire proliferation research and prevention;

biotechnology policy;

research, development, demonstration, and standards related activities of the Department of Homeland Security;

Small Business Innovation Research and Technology Transfer; and

voting technologies and standards.

(3) Subcommittee on Research and Science Education

Legislative jurisdiction and general oversight and investigative authority on all matters relating to science policy and science education including:

Office of Science and Technology Policy;

all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education;

intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs;

international scientific cooperation;

National Science Foundation, including NSF earthquake programs;

university research policy, including infrastructure and overhead;

university research partnerships, including those with industry;

science scholarships;

issues relating to computers, communications, and information technology;

research and development relating to health, biomedical, and nutritional programs;

to the extent appropriate, agricultural, geological, biological and life sciences research; and

materials research, development, and demonstration and policy.

(4) Subcommittee on Space and Aeronautics

Legislative jurisdiction and general oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including:

national space policy, including access to space;

sub-orbital access and applications;

National Aeronautics and Space Administration and its contractor and government-operated laboratories;

space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce;

exploration and use of outer space;

international space cooperation;

National Space Council;

space applications, space communications and related matters;

earth remote sensing policy;

civil aviation research, development, and demonstration;

research, development, and demonstration programs of the Federal Aviation Administration; and

space law.

(5) Subcommittee on Investigations and Oversight

General and special investigative and oversight authority on all matters within the jurisdiction of the Committee on Science and Technology.

REFERRAL OF LEGISLATION

(b) The Chairman shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate primary and secondary jurisdiction within two (2) weeks unless the Chairman deems consideration is to be by the Full Committee. Subcommittee Chairmen may make requests for referral of specific matters to their Subcommittee within the two (2) week period if they believe Subcommittee jurisdictions so warrant.

EX-OFFICIO MEMBERS

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

PROCEDURES

(d) No Subcommittee shall meet for markup or approval when any other Subcommittee of the Committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman and other Subcommittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(f) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the Subcommittee shall vote on any matter before such Subcommittee, except as provided in Rule 3(c).

(g) During any Subcommittee proceeding for markup or approval, a record vote may be had at the request of one (1) or more Members of that Subcommittee.

RULE 4. REPORTS

SUBSTANCE OF LEGISLATIVE REPORTS

(a) The report of the Committee on a measure which has been approved by the Committee shall include the following, to be provided by the Committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [XIII, 3(c)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [XIII, 3(c)(2)];

(3) with respect to reports on a bill or joint resolution of a public character, a ''Constitutional Authority Statement'' citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted.

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter;

(5) the estimate and comparison prepared by the Committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [XIII, 3(d)(3)(D)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3];

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v); and,

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [XIII, 3(c)]

(b) The report of the Committee on a measure which has been approved by the Committee shall further include the following, to be provided by sources other than the Committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the Committee [XIII, clauses 2–4];

(2) if the Committee has not received prior to the filing of the report the material required under paragraph (I) of this Rule, then it shall include a statement to that effect in the report on the measure.

MINORITY AND ADDITIONAL VIEWS [XI 2(L)]

(c) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two (2) subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one (1) or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted

by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under Rule 4(b)(1)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(d) The Chairman of the Committee or Subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the Committee or Subcommittee, as appropriate, decides to extend the time for submission of views beyond the two (2) subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

CONSIDERATION OF SUBCOMMITTEE REPORTS

(e) After ordering a measure or matter reported, a Subcommittee shall issue a Subcommittee report in such form as the Chairman shall specify. Reports and recommendations of a Subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full Committee membership and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

TIMING AND FILING OF COMMITTEE REPORTS [XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance of filing.

(g) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven (7) calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(h)(1) Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a Committee print which in his discretion he determines to be useful for the information of the Committee.

(3) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees must be approved by the Full Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a Committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: ''This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;'' and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this Committee and one (1) or more other Committee(s) may be filed jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven (7) calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rule XI of the Rules of the House with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven (7) calendar days and that the report includes any supplemental, minority, or additional views submitted by a member of the Committee. [XI 1(d), XI 1(d)(4)]

OVERSIGHT REPORTS

(1) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1(b)(2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY

Rule X. Organization of Committees.

Committees and their legislative jurisdictions.

1. There shall be in the House the following standing Committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing Committees listed in this clause shall be referred to those Committees, in accordance with clause 2 of rule XII, as follows:

(o) Committee on Science and Technology.

(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

(3) Civil aviation research and development.

(4) Environmental research and development.

(5) Marine research.

(6) Commercial application of energy technology.

(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

(8) National Aeronautics and Space Administration.

(9) National Space Council.

(10) National Science Foundation.

(11) National Weather Service.

(12) Outer space, including exploration and control thereof.

(13) Science Scholarships.

(14) Scientific research, development, and demonstration, and projects therefor.

SPECIAL OVERSIGHT FUNCTIONS

3.(k) The Committee on Science and Technology shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.

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

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

□ 1530

A MANDATE FOR CHANGE

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

Ms. WOOLSEY. Mr. Speaker, on Tuesday, November 7, the American public sent a powerful, unmistakable message to their elected leaders in Washington.

They want change. They are fed up with the corruption and sick of the infighting. But most importantly, voters, with a strong and decisive voice, demanded a change in our government's Iraq policy.

Last Wednesday, when the President addressed the Nation, and again last night when he came to this Chamber and called for an increase in troops, without mentioning an exit plan or a plan to care for our returning veterans, he proved yet again that he isn't going to listen to the voters. He doesn't care about what the polls say about the ordinary person and not liking what he is doing in Iraq. He won't listen to his commanders. And, in fact, those who disagree with him are either fired or transferred. And his own Republican Party that is coming out against this occupation in Iraq are being ignored.

In giving Democrats a majority, Mr. Speaker, Americans did not give my party a mandate simply to work with the President, or to wait for cues from any blue ribbon committee. No, the people told us to correct the President, challenge the President, and to confront the President on the moral challenge of our times.

The message is clear. The American public has directed the Congress to be

bold, to change course in Iraq and having our main goal be that of bringing our troops home.

Yet there remains a debate within this Congress on what it means to oppose the war. There are some who claim to oppose it, even while arguing that we cannot bring our troops home right away, that to do so would be catastrophic. But how could it get more catastrophic than fueling a devastating, homegrown insurgency in Iraq? The catastrophe is continuing to foment a civil war, a war that is tearing a proud nation apart at the seams.

This current policy is the catastrophe. Staying the course at this point will only plunge Iraq further into the abyss, costing thousands more American and Iraqi lives.

There are others who claim that while they oppose the war, they support the troops, and, they say, supporting a withdrawal would dishonor them. But is it honoring these brave men and women, some of the best America has to offer, to leave them in a dangerous, unwinnable situation? No. Honoring them means bringing them home to their families and strengthening a Veterans Administration health care system that has been all but laid to waste by the Bush administration in recent years.

Every day that we remain in Iraq is a day that we shortchange our priorities right here at home. This occupation has already cost over $300 billion, approximately $11 million every hour of every day, 7 days a week, 24 hours a day. The total cost is now projected to surpass the cost of the entire Vietnam war.

This is an astronomical, irresponsible sum, a sum that would be better used here at home to improve our schools, provide quality health care, put Americans back to work and help Iraq rebuild its economy and its infrastructure.

In January of 2005, I came down here to the floor of the United States House of Representatives and, as the first Member of Congress, demanded that the President put together a plan to bring our troops home. Since then I have followed up with public forums, resolutions, forced votes and these nightly speeches, which tonight makes 181, all designed to build support for a movement to end the occupation.

Many times along the way, and going as far back as 2002, when we first debated the Iraq invasion, the right wing and their media mouthpieces greeted me and other antiwar leaders with the usual smears and jeers. But who will history judge as calling this one correctly?

Everyone but the blindest Bush-Cheney loyalist recognizes that Iraq has been an unmitigated disaster, a strategic blunder and moral failing of historic proportions.

Today, because of the pressure applied by the anti-war camp, I stand with the majority of the American public and with a growing number of elected leaders from both parties in opposing this occupation.

We were right in 2002, and we are still right—withdrawing our troops is the only humane, sensible option we have left.

Congress has the power to end this occupation. We must stand up to our responsibility and bring every pressure to bear on this administration. We must use every lever and pursue any avenue to hold them accountable for their immeasurable failures in Iraq.

This is not just another priority for the new Congress. According to the voters who have elected us, this is the 110th Congress' most solemn duty.

That is why last week, along with 25 of my colleagues, I introduced the "Bring the Troops Home and Iraq Sovereignty Restoration Act." This is the only comprehensive bill that will provide for a safe return of our troops, strengthen Iraqi institutions and provide for our veterans.

I urge my colleagues to cosponsor H.R. 508 today and to send a clear message to our President that—in absence of a real plan from him—Congress is ready to bring our troops home.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

STRATEGY FOR IRAQ

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

Ms. WATERS. Mr. Speaker, last night the President reiterated his plans to send more troops to Iraq, despite bipartisan opposition in Congress and the opposition of most Americans.

Iraq is in a civil war. The violence that plagues Iraq is increasing, and our troops are caught in the middle of Iraqi sectarian violence. We have lost 3,032 of our brave men and women in this war.

Mr. Speaker and Members, despite the fact that the President talks about his surge, or what we know it to be, an expansion, we have to remember, these are not new boots on the ground. These tours are being extended. These tours are being extended, and some of our men and women in the military are being asked to extend their tours two and three times. They are also shortening the length of time that these soldiers have at home. Many of them, who have been on two tours and expect to go home and spend a little time with their families, are being told, no, you won't be able to spend the time that you thought you were going to be able to spend. You have got to come back after having been home a shorter period of time. Even the National Guard. They are now eliminating the limitations on how many times they can be called up for Active Duty. So these are not new boots on the ground.

As the Iraq Study Group noted in its report, ''Attacks against U.S. coalition and Iraqi security forces are persistent and growing. Total attacks in October 2006 averaged 180 per day, up from 70 per day in January 2006. Daily attacks against Iraqi security forces in October were more than double the level in January. Attacks against civilians in October were four times higher than in January. Some 3,000 Iraqi civilians are killed every month.''

The United Nations estimated that more than 34,000 civilians were violently killed across Iraq in 2006, with an average of 94 killed every day.

The U.S. Department of Defense claims that the number of Iraqis that are trained and equipped is increasing each month. In fact, they claim that there are almost 300,000 Iraqis trained.

However, our troops are in a difficult situation, and they cannot trust many of those who serve in Iraq's security forces. For example, American troops often complain that Iraqi police and soldiers tip off the targets of raids ahead of time. American troops also say that Iraqis flee during some of the security operations. It is also reported that the Iraqi desertion rate is high among those who serve in Iraqi security forces. Sending more U.S. troops to Iraq will only put more of them at risk.

Mr. Speaker, and Members, I am worried. I am worried that our Nation, our Commander in Chief is on the path to confrontation with al-Sadr and al-Sadr City, and I believe that this is going to be disastrous.

First of all, I don't trust Maliki, who is friends with al-Sadr. Remember when the President of the United States went to Jordan to meet with Maliki, he was stopped from going into that meeting by al-Sadr. He finally did meet before he left Jordan, but that was an exercise of power by al-Sadr. And I don't want this confrontation.

There are over 50,000 Iraqis in that militia, and I don't want our soldiers, with so-called Iraqi soldiers working with them, fighting with us, who may desert them, who may tip them off, to confront this militia. I want our soldiers out of there before it happens.

On Saturday, I will be marching with Representative LYNN WOOLSEY and thousands of other Americans who want to end this war and bring our troops home. The rally that is going to be held here in Washington, D.C., will attract millions, and we will send a clear message to President Bush and his administration that we have had enough. It is time to bring our troops home, and it is time to use diplomacy to stabilize Iraq and the Middle East region.

Mr. Speaker, and Members, we have Members of Congress who voted to support the Commander in Chief. They

voted to go into this war. But many of them are saying to us today, if they had known then what they know now, they never would have taken that vote to send our troops into that war.

Of course, we don't have to say it, but we must remind people over and over again, there were no weapons of mass destruction. There was no reason for us to go into Iraq. We have destabilized Iraq. We are destabilizing the entire Middle East, and we cannot win with this strategy that the President has employed.

And I would simply say to my colleagues, please do everything you can to help get us out.

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

IRAQ

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

Mr. HODES. Mr. Speaker. Last night I watched the State of the Union Address in this hall for the first time as a Member of Congress. While I found the pageantry inspiring, I wish I could say the same about the speech itself.

We heard another attempt to allay with hollow rhetoric the concerns of an alarmed Nation about the war in Iraq. And rather than seizing an opportunity to level with the American people and set the new course they rightly demand, the administration, once again, chose to cling to its delusions and insist that its failing policies be enacted.

In 2003, the administration requested and received from Congress authority to invade Iraq on the basis of the claim that Iraq possessed weapons of mass destruction and presented an imminent threat to our national security. Senior administration officials claimed that the Iraqi Government was connected with the al Qaeda terrorists who perpetrated the attacks of September 11, 2001. And we now know that neither the premise for the invasion and subsequent occupation of Iraq nor the claim of a connection to 9/11 was true.

After the fall of Baghdad, the administration sent in officials with little or no knowledge and understanding of Iraq, its people, its culture or its politics. Costly mistakes, including the dismantling of the army and the failure to secure weapons stockpiles, paved the way for the current situation in Iraq: More than $450 billion spent with billions unaccounted for; an undependable Iraqi Government, unwilling or incapable of controlling warring sects in their militias; more than 3,000 American deaths, and more than 25,000 soldiers maimed or grievously wounded; hundreds of thousands of Iraqi civilians killed, wounded or driven from their homes by sectarian violence; and a profound loss of respect for our country in the region and around the world.

All in all, it constitutes an unparalleled foreign policy disaster for the United States.

The administration still has no plans for a responsible exit strategy to protect our security. And unbelievably, the administration wants to send an additional 21,000 troops to Iraq.

The proposal is a cavalier rejection of the sound views of the American people, the consensus of the bipartisan Iraq Study Group, and the counsel of wise military commanders.

In a city of some 7 million people, and without a unified government or the infrastructure to provide jobs to an ever more agitated population, an injection of 20,000 troops will not succeed. It can only stoke the flames of chaos and bloodshed in Iraq.

Our national strategic interests, Mr. Speaker, require a change of course, not an escalation. The imperative to support our troops requires a change of course, not an escalation.

Last year the Republican-controlled House declared in the defense authorization bill that 2006 would be a year of transition to Iraqi control of Iraq, and that redeployment would begin at that point. Yet here we are in 2007 with the administration calling for an escalation supported by many in this body.

In my judgment, Mr. Speaker, the time has come and gone for this Congress to say ''enough is enough.'' The time has come and gone for statements of concern. The time has come and gone for ''trust but verify.'' The situation in Iraq is dire.

It is now time for this Congress to do what the American people said so clearly in November that they wanted us to do: Change the course in Iraq. We have a saying in my home State in New Hampshire, ''When you're in a hole, stop digging.''

Mr. Speaker, I support our valiant troops, and I oppose the administration's proposed escalation. I resolve to work with my colleagues over the coming weeks for a concrete new direction in Iraq. In the absence of an acceptable plan from the President, the American people are calling upon Congress to lead the way. Popular demand for new direction in Iraq is, in large part, the reason I am here in Washington and the reason Democrats now hold the majority.

□ 1545

We can no longer accept empty promises from the administration or hope the administration will honestly confront the realty of its failures. The American people are looking to this Congress for leadership. They are impatient. And we must and we will respond.

CONGRESS SHOULD DUST OFF OVERSIGHT PLAN FROM 30 YEARS AGO

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, in December 2005, we learned that the Bush administration was using the National Security Agency, the NSA, to eavesdrop on Americans on U.S. soil without a warrant or judicial oversight, in violation of the Foreign Intelligence Surveillance Act.

Over a year later, Congress has yet to address this issue, and the NSA's secret surveillance program has continued unabated. Just last week the administration continued its unilateral approach, announcing that notwithstanding its protestations last year, that it could not possibly allow the Foreign Intelligence Surveillance Court to oversee the NSA program; it would now submit to the court's jurisdiction, but not tell the Congress how the Foreign Intelligence Surveillance Court would oversee the program or why its policies have changed.

When Members of Congress questioned the Attorney General and the National Intelligence Director regarding this shift in policy, both officials refused to provide information regarding the nature of the administration's new policy in this area.

Indeed, we have no idea whether the administration is now seeking warrants on an individualized basis or broad programmatic approval from the Foreign Intelligence Surveillance Court.

Congressional silence in this area and others has had other repercussions. Earlier this month Congress was again caught by surprise when we learned that the President has claimed potentially sweeping new powers to open Americans' mail without a court warrant.

Again, the administration could obtain a warrant, and quickly, from a Foreign Intelligence Surveillance Court judge, but has chosen not to submit this effort to court supervision. Interestingly, the developments over the last year bear a striking resemblance to events that occurred some 30 years ago, when a series of troubling reports

began appearing in the press concerning domestic intelligence activities and surveillance of political activities of U.S. citizens.

These revelations and others revealed by the Watergate scandal convinced lawmakers that Congress had been too permissive and trusting, failing to carry out its oversight responsibilities over the executive branch.

In response, a U.S. Senate committee was formed to investigate intelligence activities by the government. The United States Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, commonly referred to as the Church committee, after its Senate chairman, issued more than 50,000 pages of reports in what is considered the most comprehensive review of intelligence activities in the country.

Ironically, the reports included sections on mail opening as well as the National Security Agency and fourth amendment rights. In rebuffing recent congressional requests for information on the current NSA program, the administration has made the argument that the NSA surveillance program is too sensitive to be shared with Congress, even to Members in the classified setting.

When these same concerns were weighed by the Church committee in 1975, the opposite result was reached, with the committee refusing to neglect its oversight responsibility merely because their work would be harder. In fact, the extensive oversight and the substantial record generated by the Church committee inspired the creation of the Foreign Intelligence Surveillance Act, and the Foreign Intelligence Surveillance Court.

Both have worked effectively to ensure that the President has the tools necessary to thwart attacks while ensuring respect for the civil liberties of Americans and the adherence to the rule of law. FISA, as it is called, has provided a measure of oversight over foreign intelligence activities on U.S. soil, and with it the confidence of the American people.

This administration, however, has undermined that trust by circumventing FISA. Congress should follow the example of the Church committee, by vigorously examining the NSA surveillance program and determining what legislative action is necessary. The administration should cooperate and work with Congress as we engage in our oversight responsibilities, and make the case for statutory change if revisions are required to meet new challenges in the war on terror.

If, however, the administration rejects congressional oversight in this area and continues to defy requests for information, Congress should seek other means of redress. I have introduced bipartisan legislation with Representative JEFF FLAKE that can serve as a basis for examining these issues and restoring the rule of law.

The NSA Oversight Act, H.R. 11, would reiterate existing law requiring court approval for the surveillance of Americans on American soil, and would provide greater oversight of NSA's surveillance activity. Our legislation also makes some key changes to FISA in order to streamline and expedite the process in response to the administration's argument that the current framework was too cumbersome.

Mr. Speaker, I urge the Congress to fully examine this issue, step up its oversight responsibility, and take legislative action if necessary.

RECOGNIZING THE 35TH ANNIVERSARY OF THE D.C. PRESERVATION LEAGUE

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

Mr. MILLER of North Carolina. Mr. Speaker, Mr. TURNER of Ohio and I are the cochairs of the Congressional Historic Preservation Caucus. I am proud to rise today, as cochair of that caucus, to recognize the 35th anniversary of the District of Columbia Preservation League.

In 1971 the old post office on Pennsylvania Avenue was slated for demolition to allow completion of an addition to the Federal Triangle Building. In part, to save that Washington landmark, the DCPL, which is also known as Don't Tear it Down, was founded. And since then, the DCPL has worked tirelessly to preserve Washington's historic treasures and save many of the unique features of this great city, the features that really define our Nation's capital.

Washington's history and character are among Washington's greatest assets, and are vital to the local economic development efforts.

Advocacy and education have been at the forefront of the DCPL's mission. The League has produced educational programs, including tours, lectures, newsletters and guides of historic districts here in Washington, and since 1996 has annually published a list of Washington's most endangered places.

For the last 35 years, the DCPL has prepared, sponsored, or cosponsored more than 120 individual District of Columbia landmark nominations and many historic district nominations throughout the Nation's Capital.

Mr. Speaker, this is just a sampling of the efforts that the DCPL puts into protecting the history of the District of Columbia. I am sure the League will continue to make invaluable contributions to this city, and every member of the League, every member, every citizen of the District of Columbia, has every right to feel proud of the history of the work, the legacy of the DCPL.

I urge all of the citizens of Washington and supporters of historic preservation around the country to join me in commending the DCPL for its dedication and commitment to preserving and protecting the history and environment of this city through the work of advocacy and education.

Mr. Speaker, I would also like to submit for the RECORD a resolution, a proclamation by the Congressional Historic Preservation Caucus, recognizing Thursday, January 25, 2007 as the DCPL's 35th anniversary.

Whereas, the DC Preservation League was founded by dedicated volunteers in 1971 as Don't Tear It Down, to save the Old Post Office on Pennsylvania Avenue and other notable downtown buildings from Federal Government-sponsored demolition,

Whereas, Don't Tear It Down worked to provide protection for historic landmarks and historic districts in the Nation's Capital through the establishment of the Historic Landmark and Historic District Protection Act (D.C. Law 2–144) in 1978,

Whereas, over the last 35 years the DC Preservation League has prepared, sponsored or co-sponsored more than 120 individual DC Landmark nominations and numerous historic district nominations throughout the Nation's Capital,

Whereas, to carry out its mission of preservation advocacy and education, the DC Preservation League has produced educational programs including tours, lectures, citywide conferences, candidates' forums, publications including newsletters, information brochures and guides to historic districts, and since 1996 has annually publicized a list of Washington's Most Endangered Places,

Whereas, the DC Preservation League works with the government of the United States, its federal agency representatives, committees appointed by the President, and organizations chartered by Congress to advocate for the preservation of historic resources as a vital component of the economic and cultural life of our Nation's Capital,

Whereas, the DC Preservation League is supported by members, contributors and volunteers from across the Washington, DC region who are dedicated to the promotion of the history of the Nation's Capital for visitors and residents alike,

Whereas, the DC Preservation League will celebrate 35 years of preservation activism as Washington, DC's only citywide non-profit historic preservation organization at the historic Willard InterContinental Hotel on Thursday, January 25, 2007,

As co-chairs of the Congressional Historic Preservation Caucus, we would like to recognize January 25, 2007 as the DC Preservation League's 35th Anniversary.

30-SOMETHING WORKING GROUP

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

Mr. MEEK of Florida. Thank you very much, Mr. Speaker. It is an honor to come before the House once again. We have finished our work for the week, and a lot has happened, a lot has been said. As you know, the 30-Something Working Group, Mr. MURPHY, and I are here today, my good friend from Connecticut. We are going to talk about some of the issues that have been discussed over the last 24 hours on the floor, some of the votes that we have taken, even as it relates to last week, some of the challenges that are facing the country.

I know there will be other Members of the 30-Something Working Group

that may be joining us this afternoon. I can tell you as we continue to move forward in this 110th Congress, there is a lot that the American people have to be proud of at some level of accomplishment as it relates to issues that are truly facing the American people.

Yesterday, Mr. Speaker, we had an opportunity to hear from the President of the United States. Some say that there was some issues that he brought to the table that are not new. He has mentioned some of these issues before. Alternative fuel, the issue of Iraq, talking about health care, still holding onto the issue of savings accounts that have been proposed in past State of the Unions but haven't been acted upon to even bring about real changes as relates to health care.

The President talked about earmarks last night, Mr. Speaker. But it is interesting under the Republican-controlled Congress, that is when the earmarks were out of control. And it was under his watch and his party's watch. And now the President wants to be the chief, I guess, the chief person who says who gets an earmark and who does not get an earmark. Earmark reform was a part of the Democratic reform package, and was not even really given serious consideration until the Democrats took control of the Congress.

The glaring issue as it relates to Iraq, and Mr. MURPHY and I and Mr. RYAN were talking about this just yesterday, it is obvious that the American people voted for change in the last election, and that the President continues to march in the opposite direction of the American people. The American people are ready to go in a new direction. The President seems like he is ready to go and continue to keep going in the old direction.

The new direction, redeployment of troops, working in a diplomatic way, following some of the Iraq Study Group recommendations of talking with Iran and Syria, and I would even add Turkey if we want to look at a diplomatic resolution to what is happening in the Middle East, making sure that our troops are safe, making sure that we take the training wheels off the Iraqi Government train, redeploy, diplomatic mission.

The President seems to think that the answer is to have an escalation in troops. The American people are looking for escalation in the truth, not the troops. And also the President has spoken of giving him a chance for his plan to work. Well, I can tell you that the American people have given the President a lot of latitude as it relates to Iraq. I think it is important, I take from Senator WARNER's, and I can talk, I have a number of quotes here on the escalation of troops from Senator WARNER, the former chairman, who is a Republican, the former chairman of the Senate Armed Services Committee.

I can also take from our colleagues who spoke after the President spoke yesterday and prior to his speech yesterday, that contradict or are going in a new direction as it relates to Iraq and what the American people called for, versus what they did not call for, more of the same.

□ 1600

So hopefully, Mr. MURPHY, we will talk a little bit about some of this today.

There are some other issues, as it relates to the State of the Union speech, that we can get into, but I think it is important, we spent a lot of time yesterday talking about bipartisanship, we spent a lot of time yesterday saying the President had an opportunity, and we hoped that he would come and share with us, hold up issues such as the minimum wage that we passed overwhelmingly on this floor that he is ready to sign. We thought that he would come to the floor saying, I want to work with the leaders here in the House on the minority and majority side on passing real health care on behalf of millions of Americans that are without health care. Those things did not come out.

I can say that the Americans, Mr. Speaker, that were pointed out yesterday in the gallery by the President, well-noted heroes and ''she-roes'' that were sitting up there, this State of the Union was about a state of the Union, and I can tell you, hearing last night's speech, we have a lot of work ahead of us, Democrats and Republicans. So I am excited about that opportunity.

I yield to my good friend, Mr. MURPHY of Connecticut.

Mr. MURPHY of Connecticut. I thank you, Mr. MEEK.

It is an honor to be standing in the traditional place of Mr. RYAN today, and I will attempt to equal at least half of his eloquence on this floor.

You are right, I think there are a lot of missing pieces from that speech last night. It was my first opportunity to sit and listen to a Presidential State of the Union, and you couldn't help but leave disappointed. There were a lot of promises that I think the American people were looking to be fulfilled in that speech.

Mr. MEEK, I think you were exactly right when you talked about a sense of bipartisanship, which I think is infectious in this building right now due to the first 100-hours agenda that, as we know, drew bipartisan support, on average 60 Members of the other aisle supporting each piece of that 100-hours agenda. That bipartisanship seems to be lost when it comes to the issue of Iraq.

It doesn't go without note that since the President had unveiled his plan to escalate this war, to put another 21,000 brave men and women in harm's way to do a job that Colin Powell and others will tell you 100,000 people can't do.

Mr. MEEK of Florida. Mr. MURPHY, will you yield for a moment?

I was kind of paying attention to the room last night when the President said, ''Give my plan a chance to work.'' Now, if you kind of look on the gauge of who stands up for that or who claps for it, I can tell you that it was lukewarm on the Republican side, and definitely over here on the Democratic side it was more of the same.

I mean, you made it to Congress, I made it back to Congress with a message that we were going to move in a new direction. And I believe that we will have a majority, and I am not just talking about a Democratic majority, if it comes down to a question, I know they had some action on the other side of the Capitol dome today, on this very issue of the escalation of the troops, and we have quotes here that will be on the 30-Something Web site I know, hopefully, by the end of the week of Senators, Representatives and others that have said just the contrary to what the President said last night. So I believe that there is some hope on the Iraq issue.

Now, the Republican leadership is not necessarily there where we need them to be. And you heard me say once before that I am not upset with certain Members that are not following the will and the desire of the American people. The good thing about the U.S. House of Representatives is we are all up for reelection in 23, 24 months from now, and we have to be accountable. And if Members want to follow leadership, or whoever they think that is going to share with them how they should vote and what they should stand for on all these different issues, then I think it is important that they realize that we are going to have an election, and that you have got to go home, you have to explain why you voted for more of the same.

I believe that we are getting to a head here. And the good thing about being in the majority is that we have the opportunity, we used to give speeches on this floor, Mr. MURPHY, saying if we are blessed enough to have the opportunity to be in the majority to lead the American agenda, the American people, everyday Americans who wants accountability and who pray and look for bipartisanship, look for leadership, we will give it to them, and that is what we are going to have a chance to do.

Thank you for yielding. I just wanted to point that out because that was an observation. And while I am speaking, if you want, I will yield to you so that we can drive this home, because we want to break this down because we don't want Members to go back to their districts and say, you know, I didn't understand that. We want individuals to be able to pull the CONGRESSIONAL RECORD and say, wow, how couldn't you understand it; it was mentioned 10 or 12 times in a given day on the reason why we were doing what we did.

Mr. MURPHY of Connecticut. Mr. MEEK, you are very right. And I am glad those quotes are going to be on the 30-Something Web site because it really is a cross-section of this Chamber, the people who have been really

speaking out and asking the President to revisit this plan to escalate the war. You have dozens of Republicans, more every day, that are coming out and suggesting that there has got to be a plan C, right? Plan A we know didn't work; we are now debating plan B, which everyone from foreign policy experts to the President's own military advisors suggest won't work.

And we hope that some of the folks watching us on C–SPAN right now caught some of the hearings, Mr. MEEK, before the Armed Services Committees and other relevant committees because you have heard some remarkable testimony from the President's own military leaders expressing grave doubts about this plan to put new troops into Iraq and into Baghdad.

So we have got both sides of the aisle coming together and saying, listen, let's sit down and talk about plan C, because that is what this is about. This is not about just standing up here in front of TV cameras and telling people the President's plan doesn't work; it has got to be about setting another way. And there are other ways. We can talk about the redeployment of troops. We can talk about starting to rebuild our credibility in the world.

The President talked last night, Mr. MEEK, about the unification of the world's communities around the President's strategy. Well, that certainty doesn't comport with reality, it doesn't comport with what we are seeing; but it doesn't mean that the opportunity is lost, it doesn't mean that we still can't go back to the world community and say, let's together build a new strategy to get ourselves out of Iraq in a way that leaves that country as stable as we can.

And, Mr. MEEK, I don't know about you, but I think we can still do that. And I am actually interested. The President is going to speak to our issues conference in a week and a half, and I know there is some grumbling about that, but I am actually looking forward to him coming to us so that we might be able to have another chance to persuade him to work with both sides of the aisle here on this floor to come up with a new strategy that will allow us to lend stability to that country and rebuild the world community, and do it in a way that doesn't put more and more troops of ours in harm's way. And I know, Mr. MEEK, of other Members who have been here much longer than I believe that we can do that together.

Mr. MEEK of Florida. We can do it together. And I can tell you, Mr. Speaker, that it can be done.

Let's just put it this way: It is the new direction versus more of the same. There are Members of Congress that are saying that they are on board on the new direction. There are troops in Iraq that are saying that they are on board for a new direction. And I can tell you from 4 years on the Armed Services Committee that looking in the eyes of the commanders when they come, they are also looking for a new direction. And even, Mr. Speaker, when the President puts forth this Iraq Study Group that brought forth recommendations on the direction we should move in, the President says, thank you very much for your input, I appointed you, bipartisan commission, but we are going to send new troops to Iraq, and that is the answer.

I am not a Member of Congress with a conspiracy theory, but I will say that the President sent the 20,000 additional troops before we had an opportunity to really look at what is happening or what has been happening in the time that our committee rooms have sat with the lights off. We didn't have hearings in the 109th Congress. NANCY PELOSI wasn't Speaker of the House. The will and the desire wasn't there to find out what is happening with all the supplemental money that we have given towards Iraq and Afghanistan and other issues that we paid for that didn't go through the regular budget process.

Now we are going to have an opportunity, hopefully, in speaking with Mr. MURTHA, who is the chairman of the Defense Subcommittee on Defense. He is asking questions. They are having hearings. Brass and suits together are coming in to answer the tough questions about, well, what happened to the money we have already given you?

When you look at companies like—we talked about Halliburton, and we talked about some of these other companies that have run away with these dollars, we talked about the U.S. troops that are being there, let's talk about the mercenaries that are there. Let's talk about the hired individuals that are there to carry out missions that are not wearing a U.S. flag on their shoulders, but they are contractors to carry out security missions for convoys. There are a number of those individuals that are dying, and they are not being counted in the troop calculation. And many of those individuals, Mr. Speaker, are former members of our military Armed Forces. I know for a fact that some of these companies are providing even better incentives, much greater, sometimes twice that our men and women are earning in uniform. So after their time is up, as we give the military their ability, because so many individuals have been deployed two and three times, and when their time is up as it relates to their service, to get them to reenlist we incentivize them not only through monetary means, but also the ability to move up the ladder.

At the same time you have the private sector that understands that same philosophy, Mr. Speaker and Members, and they are incentivizing them to go into the private side of it. And these individuals are securing the convoys, securing some of the facilities that are there, carrying out some missions. And they are replacing, because we talk about the coalition, if you want to break that down, I mean, we have U.S. men and women in uniform, and then U.S. contractors. It is not Great Britain, it is not some of the other folks that people are talking about, the coalition of the few, the United States of America and U.S. contractors. Guess what? U.S. taxpayers are paying for that. So I think it is important, the issues that we talked about.

I have Senator WARNER here, I mentioned him earlier, the Republican from Virginia. Basically he is saying after the speech last night, to place our U.S. men in the middle of a fight between Sunnis and Shiites is not the right time to do that.

You also have CHUCK HAGEL. Senator HAGEL has also said, Republican, has said that he thinks the speech that was given last night by the President represents the most dangerous foreign policy blunder in this country since Vietnam. If it is carried out, he would have to resist it. He said, ''I will resist it.'' This is not what Democrats are saying. People have heard what we had to say. Now we have Republicans that have heard the voice of the American people that are saying, if I am going to stay in the U.S. Congress, I am not appointed, I am elected, if I am going to stay in the U.S. Congress, I have to follow the will and the desire of my constituents and the American people.

I always say, Mr. MURPHY, when we are elected from our districts, we are federalized to represent an entire country and those that are in harm's way. We are talking about training. We are talking about tactical missions against terrorists or what have you, not everyday street patrol, security patrol on the block. That is where our men and women are losing.

We have been talking about training of the troops from the time that we were in Baghdad, Mr. Speaker. I can tell you, I am a witness to it, I have been on the committee, we have had the testimony. Oh, we are training them; and then all of a sudden we find out that the training is not keeping up with the need. Well, we have military bases not only in Mosul, but Tikrit, also in Baghdad and other spots throughout Iraq where those troops can be trained right there.

I look forward, Mr. Speaker, in going to Iraq within the next couple of months, Mr. MURPHY, I would love to have you join me if you haven't gone already, to ask these tough questions on the issue of the training issues because now it is under our watch. The American people have empowered a majority of the Members who feel the way the American people feel, that we need to take care of our mission in Iraq. I am pretty sure we will have some presence of troops there for some time, but not at these levels, not at the level to where that is not an issue of redeployment.

Mr. MURPHY, I hate to get preachy on this, but the President has said that is up to another President to deal with, another administration to deal with, I am not going to do it. Well, like our

good friend Senator WEBB said last night, if he doesn't want to take the leadership way, then we are going to have to show him the way, the Congress.

□ 1615

And the good thing about it, Mr. Speaker, it will be in a bipartisan way. It won't be just Democrats. It will be Democrats and Republicans, and I welcome that bipartisan spirit

Mr. MURPHY of Connecticut. Mr. Speaker, Mr. MEEK is very right. It is going to be in a bipartisan way. And there are moments when maybe public opinion and things you hear back in the district don't always match up with maybe the things that you hear from the experts on that particular issue. That is inevitable in public service. And there are choices to be made, and inevitably your obligation in the end is to side with the people that you represent.

But on this issue there is a growing hegemony of opinion that backs up public opinion within the military community. Mr. MEEK quoted some of the leaders of both parties who have come out against this plan for escalation, but the military has come out against this plan as well.

Let me just give a quick quote of Colonel Paul Hughes, who was the first person that was put in charge of strategic planning of the U.S. occupation in Baghdad, the first person on the ground to start planning on how we were going to keep Baghdad stable. We obviously failed pretty miserably in that mission, but here is what he said about the President's plan to escalate this war. He said: ''Just sending more troops to Baghdad is like pouring more water in the sands of Al Anbar. It's going to disappear without accomplishing anything.''

And that is what we have heard over and over again. There may be a number of troops that you could put into Baghdad or, lest we forget, the 12 other, 11 other major areas of conflict in Iraq. There might be a number, but it certainly isn't 21,000. And the President in his speech talked about not only using those troops to secure Baghdad but also using them to secure Al Anbar Province, also trying to do increased training, also trying to better secure the borders around Iraq to prevent the insurgents from coming in. Twenty-one thousand troops can't do that, and what ends up happening, as many of our military experts have told us over and over again, is it just puts those men and women in even graver danger. That is an opinion shared not just by Members of Congress on both sides of the aisle but by the military community as well.

And Mr. MEEK talked about the oversight that is going to happen here in terms of our strategy going forward. And I think that these hearings have been so valuable because I think they educate the American public and educate all of us about our options going forward. But the oversight also has to be about how we conduct ourselves so far, because if there was any faith in our ability to manage this war and manage the reconstruction, then maybe we would look a little bit differently upon the President's proposal.

But the fact is, and this number startled me, we have $8.8 billion of money, Mr. MEEK, of money that is unaccounted for by the Coalition Provisional Authority, $8.8 billion that we can't even explain where it went. That is about enough money to run the State of Connecticut for an entire year. And that is not the money we spent; that is the money we can't find anymore.

Mr. MEEK served on the Armed Services Committee. I am going to get the opportunity to serve on the Government Reform Committee under Mr. WAXMAN of California, and our focus there is going to be on that waste, fraud, and abuse that has happened within our military spending in Iraq. And it is important not just because of taxpayer dollars and because we were all sent here to make sure that every hard-earned dollar that our taxpayers send to Washington gets spent effectively, but it is important because it educates us on the inefficiency and the blundering in a lot of places that has happened in the conduct of this war and the conduct of the reconstruction. And there are a myriad of reasons why we should start listening to people like Mr. MURTHA and others who are counseling us to redeploy our forces and to significantly draw down the number of troops we have there very soon. There are a number of reasons why we should take those arguments seriously and why many of us support bringing a large number of our troops home very soon.

But at the top of that list is the fact that the money we are spending there, even beyond the philosophy, just when you are talking about the money, the money isn't being spent to make that country safer, to rebuild that country. That money is being lost, and as you said, Mr. MEEK, through the Speaker, much of that money we are now finding out actually finds its way into the hands of the very people that we are fighting in Iraq. We can't account for it, and thus it finds its way into the hands of the insurgents who are attacking the convoys, who are taking the oil that is being produced there, and are, in fact, using our own money to fight our own efforts there. So it is our obligation, Mr. MEEK, as you have said, not only to investigate, not only to hold hearings into the strategy and the conduct of our military operations but also to ask some questions about how all of our taxpayer dollars are being spent there, because I think we are going to find some very interesting things as we go forward in the next few weeks.

Mr. MEEK of Florida. Mr. MURPHY, I would tell you right now, and Members, I think it is important that we look at this for what it is worth. If I was thinking of the Iraq issue solely as a political issue, it would be let us go to the floor, Mr. MURPHY, and as we talk, we meet in the 30-something Working Group, let us not talk about the politics of the Iraq issue. If this was about maintaining the majority as it relates to politics, Mr. Speaker and Members, if this was about capturing the White House, Mr. Speaker, we wouldn't come to the floor to talk about how we can work in a bipartisan way or come to the floor and promote leadership. And I think it is important that we promote leadership and move in this new direction and saying that we have to deal with the big issue of Iraq.

I get members of local government and State government saying, Congressman, I need more money in my city. You cut the COPS program. Your Federal commitment as it relates to dollars for health care, for security, for the environment, they are not there like they used to be there. And we put parameters on ourselves because we told the American people what we would do, pay-as-we-go philosophy or principles that we already passed, and we have this war going on and we have young men and young women. You have a lot of Reservists that are there that are 40, 50 years old, that are away from their families 15 months at a pop.

We come to Washington, D.C., most of us, our families are back in the district and we are here and we are missing for about 4 or 5 days, but we get to go back home at the end of the week, unlike those men and women when they board that chartered flight. When they go over to Kuwait or fly straight into Baghdad Airport or end up in Turkey at one of our staging bases there, or end up somewhere else as they feed into Iraq, they don't get the opportunity to say, Hey, kids, I am going to be back in a couple of weeks. So I think it is important that we look at this issue and treat it with the serious attention that it needs.

So for the President to come here last night and say, give me an opportunity, give me an opportunity for my plan to work, well, let me tell you something. It is almost like looking in the refrigerator and seeing a carton of milk there and you take it out and open the carton and you say, wow, that milk is sour; let me put it back in, maybe it will be fresh tomorrow. That logic doesn't work. So it is important.

And I am glad to see some of our Republican colleagues and many of our Democratic colleagues that are questioning the President, before he can even leave the Chamber, about the speech, what he did not say in the speech, that did November 7 happen? Did you hear it?

At the press conference after the November election, he said, you know, I guess it did have something to do with Iraq. And some of the tough talk ended. And I just want to say if I can commend the President, he didn't come

with the chest-beating that he usually does, but he did go back to scaring the American people.

So I think it is important. There are issues we have to deal with. But I am on record, Mr. Speaker and Members, on the issue of being a leader, having the courage, and representing the people that have sent us to Washington, DC to be able to govern in this government. Give our men and women what they need in Iraq, but at the same time push forth diplomatic talks. At the same time make sure that we start not only discussion but redeployment of our troops more sooner than later, because that message would not only get to the Iraqi Government but also to the world community because we all play a role in this.

I see my good friend from Florida. We have served together, and she is the chairwoman on the Rail Subcommittee under the Transportation Committee. I am so glad she has joined us. Mr. MURPHY has had so much to say on this topic, and I am so glad you are here on the floor.

I yield to Ms. BROWN from Florida.

Ms. CORRINE BROWN of Florida. Thank you so much for your leadership, Congressman from Miami, my good friend.

Let me just say I just finished with Gator Radio, and they asked me the question, What is the role of Congress, what can we do about stopping the President from expanding the war? And I was just on the radio talking to the community and I have gotten some call back, what can we do as a Congress?

I tell people all the time I did not vote for the war, but I support the troops. And you have got your head in the lion's mouth. How do you get it out? And the question is what can we do as a Congress to stop the expansion? Because I think the speech that the President gave about expanding it to 20,000 troops, that is not what he was saying. I think he was saying that he doesn't need to come to this Congress to decide that he is going into Iran or that he is going into other places, and so there is clearly an expansion of the war. And what is our role as Members of Congress when the President of the United States does not respect the Congress and does not feel that we are coequal branches and that he does not have to come to us to get permission to expand this war? The students want to know. I want to know what to tell them.

Mr. MEEK of Florida. Reclaiming my time, the bottom line is, Ms. BROWN, that we have the responsibility to govern here. The President is the executive. He is the Commander in Chief. He was given the authority by the Congress, even though there were many votes that weren't in the affirmative of giving him that authority. He can send additional troops.

There has been a discussion in the Senate. I haven't quite read the briefing information on it or the report from the Senate session today. I know there will be sessions in the House dealing with that. I talked earlier in this Special Order about Mr. MURTHA and what he is doing in his committee as it relates to defense oversight. We know that there will be a bill, a supplemental, I think a $99 billion bill coming to the floor, which will be, from what I understand, the last supplemental bill.

When we say ''supplemental,'' I want to make sure all the Members and everyone understands this is basically what we call emergency funding for the war. It is not necessarily in the budget. If it was in the budget, it would go through a process just like you do with your transportation dollars in your committee, giving authorization for certain spending. This is just pretty much a wish list from the administration that is given to the Appropriations Committee, and it really doesn't go through the full process. I understand this is the last supplemental that will come through for Iraq and Afghanistan. But what is also in his supplemental are ballistic missiles, other issues that they are spending money on.

So we have the power of the purse strings. But I can tell you, which I know that we are all together on and you mentioned, we will not cut money off to the troops that are on the ground there. But we said, leading up to the end of the 109th Congress, that we will not defund the troops that are in harm's way. But no one said anything about escalating the number of troops, adding more onto it.

So a lot of folks are upset. It is not just Democrats that are upset. The American people are. And the President is going against a 70-plus percent approval and heading in a new direction on this issue of Iraq, and he is still heading in the same direction that he was heading in prior to the November election. So it is up to us, Congresswoman BROWN, to not only state within the CONGRESSIONAL RECORD but encourage our colleagues not only on our side of the aisle but on the Republican side of the aisle that we have to lead in the way that the American people want us to lead.

I am encouraged by something, seeing some of the comments by some of the Republicans about what the President said.

□ 1630

Ms. CORRINE BROWN of Florida. You know, we had a closed-door briefing yesterday, and the important point that I made is that every Member, all 435 Members of this House of Representatives have the responsibility for the security of this country. And I think we have more of a responsibility than just to give this President a blank check. And I think we owe it to this country to make sure we get more of some kind of response other than we are just expanding, and not really deal with us in a very constructive way.

The second point, and I have just got two quick points, and I have a plane to catch. On the area of health care, the President talked about health care, and I am one Member that would vote for it. I believe we should have universal health care. But you have to, always dealing with this administration, it is always in the details. Now he is talking about taking money from public hospitals. And when we say public hospitals, you have got one, I have got Shands, but you have got Jackson Memorial. Taking money from public hospitals, that is unacceptable. That is the only safety net that we have. And so that is one proposal that shouldn't arrive here, but when it does, it should be dead on arrival.

And the last point, I was disappointed, and I guess everybody in the gulf region was disappointed, there was no discussion about the gulf region, none whatsoever. Nothing about Katrina. Now, the American people, they saw something with Katrina that they didn't like. Not only did they see a government that was inept, uncaring, but incompetent, and yet nothing.

I talked to an 82-year-old lady on Thursday who 3 months before Katrina, she paid off her house. Paid off her house 3 months before Katrina. To this day she is homeless and hasen't received a penny from all of the dollars that we have appropriated. Now, we have a responsibility to this lady just like we do, we are insisting, that we put almost $500 billion in Iraq and said that, oh, they don't have to pay it back. But every dime that we put into New Orleans, we are going to say they have got to pay it back. I am sure it doesn't have anything to do that they are people of color.

But I have got to say we have got our challenges. I want to thank all of you 30-something-plus for your leadership on the floor and keeping these issues before the American people.

Mr. MEEK of Florida. Ms. BROWN, when you said 30-something-plus, you looked at me.

Ms. WASSERMAN SCHULTZ. And then she looked at me.

Ms. CORRINE BROWN of Florida. Well, obviously we have a couple of Gators here on the floor, and like I said, I just talked to the Gator network. And so it has nothing to do with age, it has to do with maturity on the issues. And I want to thank you all for bringing these issues before the American people.

Mr. MEEK of Florida. Ms. BROWN, before you leave, I just wanted to say before yielding to Ms. WASSERMAN SCHULTZ that I am glad that you came to the floor, because you have been given voice in this.

And I remember being a non-Member of Congress. You served with my mom; and I was in the senate, Ms. WASSERMAN SCHULTZ and I were serving in the Florida Senate. I remember you going out to the mike by the Cannon Building where C–SPAN had a camera rolling, and it was a press conference, and you went out along with a number of Members saying that it is

wrong that we gave the President the authority to go to war; and that you have been a voice on this issue because you knew that this could possibly happen, the position that we are in now.

I also want to add, since you said he didn't mention anything about Katrina, he didn't say anything about veterans. And I know you have been up front and on target on veteran benefits. We have many from Florida; I know Mr. MURPHY has them from Connecticut. And I think that it is important that even though, Mr. Speaker, veterans were not mentioned, victims of Katrina weren't mentioned, we picked up on it. And we are going to make sure that we continue to do the things that we need to do.

Thank you, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Thank you. And as far as veterans are concerned, I am the second person on the committee, and I have been here for over 14 years, and I have been on that committee because I think it is so important that people that give their most, that we have got to make sure that we pay them back. And I am concerned that in the past under this administration, that is where we have cut. We have cut veterans programs, and they are coming back, and they need everything. I have gone out to Bethesda, and I am planning that we all go out there to Bethesda, and every veteran in every room needed casework and assistance.

So, basically we are not doing our duty, not taking care of those men and women when they come back wounded after giving their all for this country. We have got a responsibility in the Constitution, coequal branches. This is the people's House, and we should speak up and make sure that we fund programs that will benefit those veterans. Thank you again for your leadership.

Ms. WASSERMAN SCHULTZ. Thank you so much to our colleague, the gentlewoman from Florida, Congresswoman BROWN. And I am so pleased to join my 30-Something colleagues here this afternoon, our newest 30-Something colleague from Connecticut CHRIS MURPHY. With our new-found responsibility, I have been a little tied up the last couple times we have had this Special Order hour, so I am really pleased to be able to be with you. And we have some fresh blood and some new dynamics that we will engage in. It will be really fun to work with you and banter a little bit.

But I will tell you that this being the day after the President's State of the Union Address, Mr. MURPHY, I was particularly disturbed listening to the President. The privilege that we have here in this House, and it was yours for the first time last night, and I remember 2 years ago, I am just 2 years ahead of you in this process, and I remember the feeling that I had sitting in this Chamber and the awesome responsibility that I felt on my shoulders being this far from the President and having the chance to listen to him deliver that address, and the expectation that I had as a representative of my constituents, that the expectation that he would say something more than words.

And last year, if you recall, you were in your State legislature when he delivered last year's State of the Union. He talked about the need to end America's addiction to foreign oil, and subsequently that turned out to just be words because he ended up proposing in his budget, and they actually enacted, a cut in the energy legislation, that this Republican leadership that is no longer in charge here, they actually cut the funding to alternative energy, exploring alternative energy resources.

Now, last night he says the same thing in a different way. And we are just to the point, why should we expect that there is meaning and action coming down the pipe behind the words?

On the war in Iraq, I know I have heard from my constituents, and it is just shocking that after the response from the voters on November 7, that this President would not get the message that the American people were sending him. They want a new direction. They want to move the troops from a combat focus to a training focus, get the Iraqi troops to stand up on their own so that that country can take care of itself. So it is just shocking the lack of understanding of his priorities and where he is on the issues that are most important to people.

On health care, the health care priorities. There are 47 million people in this country, 3½ million in Florida, that don't have health insurance. And his solution to that problem is a tax deduction, a tiny tax deduction that he thinks will spur people who benefit from it to take that money and buy health insurance. That just shows a callous indifference. And you are an expert in health care; that was your focus. That shows a callous indifference to what the problems that the uninsured and underinsured are really facing.

You are probably familiar with the death spiral created by insurance companies where they cordoned off the people who are the most sick. Some States have adopted guaranteed-issue policies and modified community rating like we did in Florida so that there were only a few things that were taken into consideration when rates were set. But for the most part that is not what people are able to get when buying health insurance. So the sickest of the sick get cordoned off into a group; that group is priced out of the market, and then they don't have the ability to afford that health insurance.

A simple tax deduction is not going to make health insurance accessible and affordable for that group of people. It is just unbelievable, Mr. MURPHY. And I fail to understand why this President only seems to keep his own counsel. It is just really unbelievable.

So I will yield to you or to Mr. MEEK, but that was my feeling and my reaction in listening last night. And when I talked to our radio stations in south Florida this morning, I know the feedback that our radio hosts were getting was similar.

Mr. MURPHY of Connecticut. Thank you for yielding, Ms. WASSERMAN SCHULTZ. I think that was the feeling that a lot of us here for our first State of the Union felt as well. I was able to sit with a lot of the first-term Members to listen to the speech, and we all left shaking our heads, because when we went out and campaigned to come to this body, and when we go back to our districts to talk to people, I mean, it is very clear that they don't want patchwork solutions when it comes to health care; they don't want a little tinkering around the edges when it comes to energy reform. They want bold leadership from Washington.

It is no small thing for a bunch of people across this country to go out and cast out long-term incumbents, which is what happened in a lot of these districts. It takes a lot of courage in order to make that decision for change. And, Ms. WASSERMAN SCHULTZ, I think you are exactly right that they are looking to us to have that same type of courage. They are requiring us to take that same type of bold action that they took by turning over this body into new hands, into new leadership. And the President's suggestions last night when it came to health care and when it came to energy policy simply don't measure up.

Let's think about it; 6.8 million people in this country have lost their health care insurance in the last 6 years. Premiums during that time have risen 81 percent in the last 6 years while wages stayed flat. Now, if the President, as you said, Ms. WASSERMAN SCHULTZ, listened to counsel besides his own, he would know that a tax deduction doesn't help the people that don't have insurance because about 50 percent of the uninsured aren't paying income taxes right now. So the people that we need to help, the people that right now are clogging up our emergency rooms, and, as you know, this is not just a matter of doing the right thing for the uninsured, this is doing the right thing for all of us who are subsidizing the people who walk into the emergency rooms, get this extravagantly expensive care simply because they didn't have the insurance to get them in to have preventative care. The proposal he unveiled yesterday really, I think, does grave injustice to those people out there who were struggling with a system that is fundamentally broken, and it simply isn't going to be fixed around the edges.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield for 1 second on that point? Because on the health care issue specifically, the gentlewoman from Florida talked about being supportive of universal health care. And, I mean, I am supportive of expanding access to health care to everyone as well. But our good friends on the other side

of the aisle like to use that as a bogeyman for us and imply that that means socialized medicine, and that we want to implement this single-payer system that is going to be government top-down health care.

There are ways to expand access to health care to large populations, to almost everybody who is uninsured, and then we only have to work hard towards ensuring that last phase of the population. We can expand access to health care for all children by expanding the SCHIP program. We can expand access to health care to more older Americans by simply expanding the Medicare program and letting people from 50 to 64 years old buy into that program. Those are bills that were filed when we were in the minority and that will be filed again and that we will have an opportunity to able to pursue now that we are past the 100-hour agenda. So just you having come just out of the State legislature and being a health care expert, I would just love to hear your thoughts about that.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, you are exactly right. I remember standing at a supermarket in my district during the campaign or maybe a few years before, and a woman who was, I think, 59, 58 years old, who had been laid off, and who understandably was having trouble finding new employment. It is difficult for older Americans to find a new job, especially one that has a comprehensive package of benefits. And she looked at me with this blank face and said, ''Why am I in this position? Why can I not get health care when I know the Medicare program is right there? I am willing to pay for it. I am willing to contribute to it. And yet I can't get access to this program simply because I have been put into a situation where I can't find a job or I can't find a job with benefits, and I don't qualify for the program.''

So there are ways that we can help, as you said, those older Americans who are on the cusp of being able to qualify for Medicare, and certainly the millions of children around this country who have no health care insurance and end up getting sick. I mean, they get sick, and they come into our emergency rooms to get the care they need. Mr. RYAN said here the other night, we do have a system of universal coverage in this country; unfortunately, it is in our emergency rooms rather than in our doctors' offices and our primary care doctors' offices.

And maybe just to tie this back to what we were talking about before when it comes to the war in Iraq. You know, we have an obligation to our veterans when they come back, and what we have done here over the past 10 years to the health care system for veterans is a travesty of justice to the brave men and women who have fought for this country.

I absolutely support moving towards universal coverage. I think you are right, it doesn't have to be done all at once. In fact, I think the best proposals before this body are to really take some commonsense approaches to it. But maybe the first thing we should do is start to repair some of the damage that we did to the veterans health care system to make sure that when you volunteer to serve this country abroad, that when you come back, you are going to get the mental health care that you need, that you are going to not have to wait in line for a surgery that you badly need. Maybe that is our first obligation is to take care of those folks, because in the end we are here to serve everyone, but we are certainly here to make sure that those people that fight for us, Mr. MEEK, are taken care of. And I would yield to you.

□ 1645

Mr. MEEK of Florida. All I am going to do is do a close. I know we have the Web site and all, but I want to yield to Ms. WASSERMAN SCHULTZ because I want to tell you, I am not from Connecticut, but if I was one of your constituents, I would vote for you. You are good. That is all I can say.

Mr. MURPHY of Connecticut. We had another member of the Florida delegation. I am honored to be part of the 30-something group, but to be part of the Florida delegation here today was just as impressive.

Mr. MEEK of Florida. I was just saying if I was your constituent I would vote for you. It is good to have a Member of Congress that is as well informed into the issues that are facing the constituents and the American people. I yield to Ms. WASSERMAN SCHULTZ because we are going to be closing out soon.

Ms. WASSERMAN SCHULTZ. Thank you so much. One of the things that I think is important for the Members and other folks to know is we did this 30-something hour night after night in the minority for the last several years, and we want folks to know that we are not just shutting down and becoming complacent and resting on our laurels now that we are in the majority because there continues to be a need for accountability, as the State of the Union address demonstrated last night.

We are going to assert Congress's oversight role, reestablish the system of checks and balances that was totally absent the last number of years. We are going to use the 30-something Working Group forum to be able to do that and also talk about what Democrats are going to do, implement our agenda, talk about the priorities of the American people.

I am so thrilled that we have expanded our ranks and that we have an opportunity to interact and dialogue with you. I can tell you that on election night on November 7, I was cheering very loud that you were coming to join us in the 110th.

Mr. Speaker, I am going to yield to Mr. MURPHY and he is going to give the Web site out and we will be ready to shut down.

Mr. MURPHY of Connecticut. Thank you very much. As I said before, coming back from the campaign trail I got to watch the three of you down here, and I think stole a lot of your material. So I am glad to maybe provide a little bit of material for the next crop of 30-somethings.

May I do Mr. RYAN's job today?

Ms. WASSERMAN SCHULTZ. Please.

Mr. MURPHY of Connecticut. And give out the Web site for the 30-something Working Group: www.speaker.gov/30something. If you go there, you will get all the good information that we talked about today and participate online in the discussion that we have been having here.

Mr. MEEK of Florida. Well, it is an honor to be on the floor with Mr. MURPHY and also Ms. WASSERMAN SCHULTZ. Being in the majority brings about responsibility for all of us. So we have a lot to do. And Mr. Speaker, we want to thank the Democratic leadership, from the Speaker to the leader to the whip to the chair and the vice chair for allowing us to have this Special Order on the Democratic side. It was an honor addressing the House once again.

FURTHER MESSAGE FROM THE SENATE

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

S. 1. An act to provide greater transparency in the legislative process.

ENERGY

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

Mr. BARTLETT of Maryland. Mr. Speaker, I thought that there was only one speech given in the last century that would become very famous in the few years just ahead of us, and that was the speech given on the 8th day of March in San Antonio, Texas, by M. King Hubbert in 1956, but I just discovered a few days ago a speech which I think may become just about as famous.

This was a speech that was given by the father of the nuclear submarine, Hyman Rickover, and he gave this speech in May 1957. So soon we will reach the 50th anniversary of this very famous speech by the father of the nuclear submarine.

I just wanted to start by reading a couple of things from this speech that he gave. He gave the speech, by the way, to a group of physicians at a banquet of the Annual Scientific Assembly of the Minnesota State Medical Association in St. Paul, Minnesota, May 14, 1957.

The title of the speech had nothing to do with medicine. The title of the

speech is ''Energy Resources and Our Future.'' He says early on in the speech that, ''With high energy consumption goes a high standard of living. Thus the enormous fossil fuel energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves.'' Now, this was 50 years ago and can you imagine what has happened since then?

''Man's muscle power is rated at 35 watts continuously,'' that is, 24/7. Of course, you need to sleep and eat and so forth, and so when you are working, you are working at more than 35 watts, but 35 watts continuously, which is one-twentieth of horsepower.

''Machines therefore furnish every American industrial worker with energy equivalent to that of 244 men.'' So all of those things that we enjoy in our life, the automobile, the refrigerator, the microwave, all of these represent the equivalent of 244 men in place of just the one that can turn these things out with the aid of this fossil fuel energy.

Then he goes on to say, ''While at least 2,000 men push his automobile along the road,'' probably more than that for an SUV, ''and his family is supplied with 33 faithful household helpers. Each locomotive engineer controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly,'' he says, ''the humblest American enjoys the services of more slaves than were once owned by the richest nobles, and lives better than most ancient kings. In retrospect, and despite wars, revolutions, and disasters, the hundred years just gone by,'' that was the 100 years up to 1957, it is now 150 years, ''just gone by may well seem like a Golden Age.''

Others have commented on this incredible energy density in these fossil fuels by noting that just one barrel of oil contains the energy equivalent of 12 men working all year. If you look at the cost of that at the pump, that is roughly $10 a year. For $10 a year, you can have a servant work for you all year long. You may have some trouble getting your mind around that, but imagine how far that gallon of gasoline or diesel fuel, still cheaper, by the way, than water in the grocery store, how far that takes your SUV or your car or your truck and how long it would take you to pull your SUV or truck or car the distance that that gallon of diesel fuel or gasoline takes it. I drive a Prius. We get about 50 miles per gallon. How long would it take me to pull my Prius 50 miles?

Let me give another little example to help you understand the incredible energy density in these fossil fuels and how much they have improved our life and how totally dependent we are on them.

If a big man goes outside and is working really hard all day long doing physical work, I can get more work out of an electric motor for less than 25 cents' worth of electricity. That may be humbling to recognize that in terms of fossil fuel energy, our muscle power is worth less than 25 cents a day, but understanding that helps us to understand how totally dependent we have come to be on these fossil fuels.

A little later in his speech, Hyman Rickover said, ''I think no further elaboration is needed to demonstrate the significance of energy resources for our own future. Our civilization rests upon a technological base which requires enormous quantities of fossil fuels. What assurance do we then have that our energy needs will continue to be supplied by fossil fuels?'' And then this answer, 50 years ago, when we were king of oil, biggest producers, biggest consumers in the world, I think biggest exporters in the world, ''The answer is,'' he says, ''in the long run, none.''

There is no assurance that we can have these fossil fuels for the long term. ''The earth is finite,'' he says. ''Fossil fuels are not renewable. In this respect our energy base differs from that of all earlier civilizations. They could have maintained their energy supply by careful cultivation,'' when we got our energy from the soil. ''We cannot. Fuel that has been burned is gone forever. Fuel is even more evanescent than metals. Metals, too, are nonrenewable resources threatened with ultimate extinction, but something can be salvaged from scrap. Fuel leaves no scrap and there is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy,'' he says, ''500 million years ago and took eons to grow to their present volume.''

Another quote from his talk. ''In the 8,000 years from the beginning of history to the year 2000 A.D., world population will have grown from 10 million to 4 billion.'' Actually, he missed it a little. It is now 7 billion, as you will see in a moment, ''with 90 percent of that growth taking place during the last 5 percent of that period, in 400 years. It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling, but the next doubling will require only 50 years.'' As a matter of fact, it required less than that, because today we have about nearly 7 billion people in the world rather than just 4 billion.

Another quote from his talk. ''High-energy consumption has always been a prerequisite of political power . . . Ultimately,'' he says, ''the Nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall insure this dominant position for our own country.''

Have we done that? In no way have we done that.

Another quote from his talk. ''I suggest that this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the Fossil Fuel Age . . . We might even, if we wanted, give a break to these youngsters by cutting fuel and metal consumption,'' this was 50 years ago, ''by cutting fuel and metal consumption a little here and there so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels.''

I just came back about 3 weeks ago from a trip to China. Nine Members of Congress went. We met with a number of the top officials in China, and I was pleased and surprised. We went to talk about energy primarily, and they began every discussion of energy by talking about post-oil. Hyman Rickover 50 years ago understood that one day we would be talking about post-oil. The Chinese now are talking about post-oil. By the way, they do not mean that there is not going to be anymore oil in the world. Nobody is telling you that.

What they mean by post-oil is that it will be post the peak production of oil, where we can no longer produce additional oil so we are going to have to make do with what we have. As a matter of fact, each year after that there would be less and less oil available for us to use.

The next chart. There is nothing man can do to rebuild exhausted fossil fuel reserves, and this is part of the quote I just made. They were created by solar energy a very long time ago and took eons to grow into their present volume. In the face of the basic factor, fossil fuel reserves are finite. The exact length of time these reserves will last is important in only one respect. The longer they last, the more time do we have to invent ways of living off renewable substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift. This is 50 years ago.

□ 1700

He is saying the same thing that our President said last night in the State of the Union message, that we should get busy with preparing for a transition from fossil fuels to renewables.

Then I really love this quote. I am a father of 10, a grandfather of 15 and a great-grandfather of two. ''Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance.''

Do you think, Mr. Speaker, that we have been using fossil fuel energy sparingly? I doubt that you would find very much concurrence for this anywhere in this country, and certainly worldwide. When you look from other places to this country and see this one person out of 22 using 25 percent of all of the world's energy, you will have nobody over there saying we have used our energy sparingly. ''A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fair.''

I have characterized our relationship with energy as the equivalent of the

pig who found the feed room door open and just went in and pigged out. That is what we have been doing. When our children and our grandchildren and great grandchildren look back in a world with diminishing fossil fuel availability, and, by the way, saddled with a huge debt that we are passing on to them, they may well ask themselves the question, how could they have done it?

When we found this incredible wealth under the ground, that provides the equivalent of 33 servants, 100,000 people pushing your train, 244 people pushing your automobile down the road, when we found this incredible fuel fossil fuel energy under the ground, why didn't somebody stop and ask the question, what should we do with this to provide the most good for the most people for the longest time? That clearly is not what we did.

What we did was to extract this oil from the ground as quickly as possible; to use it as prolifically as possible; to develop a lifestyle ever more and more dependent on fossil fuel; to develop an agriculture where one person out of 50 feeds the rest and much of the world; where the man sits on top of a 150 horsepower tractor and uses fertilizers produced from natural gas to grow his crops.

The next chart here is a really interesting one. Suppose the size of the countries in the world was determined by how much oil they have. This is the world according to oil. If you look at our military might, if you look at our economic might, we are really big. But when you look at the oil we have, here we are, itty-bitty United States. Notice Alaska is pretty big here, a fair amount of oil up there.

But look at Saudi Arabia, Iraq, Kuwait. Little Kuwait. Look at a map and see how little Kuwait is. But look at the oil they have. This is what the world would like look like if the countries were sized relative to the amount of oil they have.

Look at Russia there. People talk about the huge reserves in Russia. It is dwarfed by Saudi Arabia and Iraq, and even little Kuwait has more oil than Russia. Look at Venezuela down here. It is probably twice the size of the United States in terms of what they have in oil. Look at some of the African countries here. Nigeria, what, way bigger than the United States. Libya, bigger than the United States in terms of the amount of oil that they have.

The next chart, this was predicted by that second famous speech that I mentioned that was given in the last century, and that is the talk given by M. King Hubbard on the 8th day of March, 1956, to a group of petroleum engineers in San Antonio, Texas, and a lot of other oilmen there. This was the time, you remember, when the United States was the biggest oil producer in the world, the biggest consumer of oil in the world, and I think maybe the biggest exporter of oil in the world.

What M. King Hubbard told hose assembled people was that in just about 14 years, the United States would reach its maximum oil production and then, no matter what we did, the oil production would drop off after that.

How did he know that that was going to happen? He had watched the exploitation and exhaustion of individual oil fields, and each one of them followed what we call a bell curve. That is a curve that goes ever up and up and reaches a peak and comes down the other side. You get a bell curve if you weigh people and see how much they weigh. There will be a few very light people, a few very heavy people. Most of them are in the middle. How tall people are, how many mice are in a litter of mice and so forth, most of the things in a natural world follow a bell curve. He predicted that we would follow a bell curve.

When he noticed each one of these little fields, he saw when they reached a peak, they had pumped about half of all the oil they would ever pump. So he theorized if he knew how many little fields we had, little bell curves, and how many more we were likely to find, and if you added all those up, you could predict when we would reach the peak. So he did that, and he said that was going to be about 1970.

And the Shell Oil Company, for whom he worked, said, please don't do that and embarrass us. You make a fool of yourself and embarrass yourself. He gave the talk and for a while he was kind of a humorous person. But then he became an icon in his own time, because right on schedule in 1970, we peaked in oil production.

Now, this curve that I have here is one that is taken from the Cambridge Energy Research Associates, and I use this especially because you may hear from these people, they are called CERA, and they are predicting that there is lots more oil out there, we are going to find a whole lot more oil, not to worry. They use this to make the point that M. King Hubbard really didn't know what he was talking about and he really was wrong.

They are saying that because the total U.S. production, and this, by the way, is with Prudo Bay and the Gulf of Mexico in, if you put only the lower 48 in, which is what M. King Hubbard was predicting, this was the actual on the green, and his prediction was the yellow here, and they said, gee, he was off. That doesn't look like it is very far off to me.

Let's look at another chart which shows the same data. This shows two peaks here. The smooth green symbols here are the prediction of M. King Hubbard. The more ragged ones are the actual data points.

You see right on schedule we peaked in 1970. We have been going down ever since. The red one is the former Soviet Union, FSU, and they kind of fell apart and didn't reach their potential. They are having a second little peak now and are going down.

Do you remember from that chart of the world according to oil, they were maybe twice the United States? They aren't using anywhere near as much oil as we are, so now they are a major exporter. But they don't have all that much oil. As you can see here, the area under this curve represents how much oil they have, the area under this curve represents how much oil we have, and you can see the general relationships there.

The next chart shows where our oil has come from. M. King Hubbard predicted only Texas and the rest of the United States, and that was his prediction and that was the actual data points. Then we found oil in Alaska and we learned to make oil from gas, non-gas liquids, natural gas liquids.

This is the oil that we found in the Gulf of Mexico. You remember those fabled discoveries in the Gulf of Mexico? I remember them. We were home free. They were going to solve our oil problem for the foreseeable future. You can hardly see their contributions as we slid down the other side of Hubbard's peak.

The next chart shows another depiction of peak oil, and this is one again from Energy Information Area, the EIA, quoted in the Hirsch Report. Let me spend a moment on what the Hirsch Report is.

Our government has paid for two big studies of the fossil fuel energy situation. One of those was financed by the Department of Energy, done by SAIC, a very prestigious, large scientific organization, and Dr. Hirsch was the principal investigator there, so it is frequently referred to as the Hirsch Report. He here is reporting this information that came from our Energy Information Agency, which is a part of our Department of Energy.

Here they are using some very interesting statistical terms, but they aren't true statistical term. I have had the EIA people come in and talk with them at the office about this, because I had some trouble understanding it.

A couple of Congresses ago, I was the Chair of the Energy Subcommittee on Science and I wanted to determine the dimensions of the problem. So we had experts come in from around the world to tell us how much oil they thought remained in the world and how much more oil they thought we would find.

I was quite surprised at the relative unanimity. They all were pretty close to 1,000 gigabarrels, maybe 970 to 1,040. Now, I use gigabarrels instead of million barrels and that is because the British billion is not our billion. The British billion is a million million. Our billion is a thousand million. But everybody understands a giga. So when you hear ''giga'' used, you know that is an international term. A thousand gigabarrels, which is 1 trillion barrels of oil, that is what remains.

You remember at the peak of that curve, M. King Hubbard said about half of the oil would be used, so that means we have used about 1,000 gigabarrels, and here they have the total of 2,248 gigabarrels. So about half of that has

been used and about half of that remains.

Now, they are using some very interesting techniques here, and they did some simulations, and I have no idea what the inputs were into the simulations, but they have convinced themselves that there is a high probability that we will find twice as much more oil as all the oil that now exists out there unpumped. So they said gee, halfway between what they say is the low probability and the high probability is the mean, which is the expected yield. So they believe we are going to get, this is a total of 3,000, so we are going to get another 2,000 gigabarrels of oil. That is this red curve here.

What they show is that even if that is true, Mr. Speaker, even if that is true, and I think the odds that that is true are very small, but even if that is true, that pushes the peak out only to 2016.

What the dotted curve here shows is what you might be able to do with enhanced oil recovery, pump live steam down there and a bunch of solvents and push water in there, and maybe you can get it quicker. But if you get it quicker look what happens to the other side. Just a demonstration that you can't pump what is not there, and the total volume you will pump is the area under this curve. If you get it sooner, you won't have it later. Notice how quickly that curve drops down.

If they don't find the additional enormous quantities of oil that they believe they will find, then we are about here and the peak will occur at about 2005 or so, which is where M. King Hubbard said that the peak would occur. By the way, he predicted it in 1969, a year before the United States peak. He was confident enough of his analytical techniques that he predicted the world would be peaking about now.

The next chart is another chart from CERA, and it depicts some of the same information on that chart a little differently.

This is the curve, the peaking curve, if there is a roughly 2 trillion, 2000 gigabarrels. You will notice slightly different figures between these, because there is not unanimity on how much is there, but it is roughly 1.9 to 2.2. This is in the same ballpark. If that is the case, then peaking according to them is going to occur fairly soon according to them.

But if you find another 1 trillion barrels of oil, that pushes peaking out only to what, 2035, something like that. That is not all that far off. And the probability we are going to find that oil is very, very small, as we will see in a few moments.

Now he has piled on top of that, CERA has piled on top of that, an enormous amount of oil that they think we are going to get from unconventional oil sources. This is like the Canadian tar sands and like our oil shales out in the West.

We may or may not get enormous quantities of oil from that. There are potentially huge quantities there. There is more potential oil in the tar sands of Canada than all of the known reserves in the world. That big map we saw, there is more potential oil there.

But there is also an incredible amount of potential energy in the tides, but we have not been very successful in harnessing that energy from the tides. Canada is now getting about 1 million barrels of oil with a shovel that lifts 100 tons and dumps it into a truck that hauls 400 tons. They then haul it and cook it with enormous amounts of energy from natural gas, which is stranded. By ''stranded'' we mean there are not very many people there to use it.

□ 1715

Since it is expensive to ship, why, it is cheaper there, and so they are producing that oil at about 18 to 25 dollars a barrel. I understand they are getting 55, today, dollars a barrel for it. That is a pretty good dollar profit ratio. But they know this is not sustainable for several reasons. One is they are using water faster than they can supply it. The energy from the gas will run out. They are thinking of building a nuclear power plant, and they have a huge, relatively huge, lake there of tailing water they call it. It is really very toxic water, so there are huge environmental impacts of it. And furthermore, this vein of the tar sands will shortly duck under an overlay so that they will no longer be able to deadlift it or surface mine it, whatever you want to call it. They will now have to develop it in situ, and they have not even experimented with how they are going to do that.

The next chart has a little simple schematic. And by the way, you can make this peak look very hard and sharp or spread it out by the scale you use on the abscissa and the ordinate. Here we have spread it out because we have an expanded scale on the abscissa and a restricted one on the ordinate here. But that yellow area represents the additional oil we would like to have, because growth is exponential at about 2 percent. And if we reach the peak, I think we are about here. We are now having some problems with meeting the demand, which is why oil is going from 50 to 60 to 78 at the highest a few months ago.

And by the way, they showed undulating plateau in that last big chart I showed, and I agree with them. May I put that chart up for just another moment? That is a very interesting one. I want to focus on this. They are saying that there is no such thing as peak oil. And this is what they show. Tell me that is not a peak. This is from their publication. And it is an article where they are kind of pooh-poohing the idea of peak oil, and they are showing peak oil. For every potential level of oil that they think will be there, they are showing a peak. They are just showing it, and I agree with them that it is going to be undulating plateau. It is not going to be a smooth thing. The curve just under it shows it very smooth because we have simplified it. And what it shows is, and, by the way, the 2 percent growth, it doubles in 35 years. This point is doubled this point, so that is a 35-year period there. So you see it takes a while to get through that peak.

The next chart is one that if you had only one chart to look at and talk about relative to oil, this would be the chart. And you could spend a very long time looking at this chart and talking about it. The big bars here show the discoveries. And you notice that there was a rash of discoveries way back in the 1940s, 16 years before M. King Hubbert made his prediction. By the way, he made that prediction here in 1956, about here. Wow. Look how much more we discovered after that. And he was able to predict how much more we would discover and correctly predict when we would reach peak oil production.

The solid line here shows the consumption. And obviously up until about 1980 we were always finding more than we were consuming. Now, remember, underneath this curve represents all that we have used. So we have used this much of what we found. But this much of what we found was left over that we could use in the future. So ever since 1980, now, we have been finding less and less oil and using more and more oil. Notice a little stuttering here in the 1970s. The Arab oil embargo. The oil price spike hikes, the big push for efficiency in our country. Your air conditioner now uses about half the energy that it used in 1970.

Well, what will the future look like? The folks who put this chart together believe that peaking will occur at about 2010. Who knows? We really won't know until after it has peaked and you look back and see the data. It could be peaking now. It could be 5 years from now, it could be 10 years from now. But both of these are very, very short term in terms of what we need to do to address this.

What will the future look like? They have predicted that future oil discoveries will follow, and of course they won't be smooth like that, but on the average they will follow the curve like that. And you can't pump what you haven't found. And if you were to put a smooth curve over this discovery curve, and you have an area under that which will equal the amount which will be the total amount of oil you have found, that is adding up all these little bars here, and the area under that discovery curve cannot be different than the area ultimately under the consumption curve. So you can make this curve go, within limits, any way you want, within reason. You can use vigorous enhanced oil recovery techniques and get it out quicker, and you can maybe delay the peak a little bit. But you can't pump what is not there. And so it ultimately is going to fall off much, much faster. This is a very interesting chart. We could spend a lot of

time looking at this. But what you cannot do is pump oil that you have not found.

Now, what CERA is predicting is that you are going to find as much more oil as all of the reserves that now exist. The reserves that exist, and I calculated this, I think that this area pretty much fills in this. So the reserve that exists is this. They think we are going to find that much more oil? What do you think when you look at this chart? Do you think it is reasonable that they are going to find that much more oil?

Mr. Speaker, this is a chart which kind of smooths out those big different bar graphs that we saw before. Now, as early finds in the 19, here, they have a little spike here and a big spike here. You can smooth that whole thing out, of course. But this is roughly a graph drawn through the bar graphs on that previous chart. And now we are down here at this point in time. And the Energy Information Agency, using those three numbers that we used before, the 95 percent, which they say is low, the 50 percent, which they say is the mean, and the 5 percent, which they say is high, and they think that because the 50 percentile is halfway between the 95 and the 5, that that is the most likely thing. Well, anybody in statistics knows that if it is 95 percent more probable, it is more probable than 50 percent probable. That is pretty simple to understand, I think.

Well, the red dots here indicate what the actual data have been. Now, their projection was that this discovery line would follow the green. Clearly it has been following what you would expect it to follow, the 95 percent probability.

The next chart is an interesting one, and Hyman Rickover referred to this. He referred to 8,000 years of recorded history. And he, at that time, noted that they were about 100 years into the age of oil. Today we are about 150 years into the age of oil. And ultimately, out of 8,000 years of recorded history, the age of oil will be but a blip in the history of man. It will occupy maybe 300 years from when we first found it and started to really exploit it until it becomes so difficult to get and so expensive that we won't be getting much of it again.

This is a little chart that shows the development of the industrial revolution. It started with wood. Brown, here. The hills of New England were denuded carrying charcoal to England to make steel there. Come up to Frederick County where I live, and we have a little historic site up there, Catoctin Furnace. We denuded the hills up there where Camp David is now to make charcoal to make steel at Catoctin Furnace.

Then we discovered coal. And on the ordinate here, it is a quadrillion Btus, how much energy we were producing. Look how much more energy we were able to produce with coal. The coal locomotive. Lots more energy in coal than there is in wood, so we could do a lot more things with.

The industrial revolution was kind of stuttering when we discovered gas and oil, and then look what happened. And if you could superimpose on this a chart of the population growth in the world, it would look just about like this. Remember Hyman Rickover said that it was going to grow from that half billion back here to 4 billion? It really grew to almost 7 billion, which is where we are today. So that population curve with appropriate dimensions would just about follow exactly the energy use curve. This is an incredible amount of energy we are using that obviously could not continue.

A really interesting statistic. Up until the Carter years, every decade, the world used as much oil as it had used in all of previous history. That is this curve. Now, in the 1970s you see what happened. We really had a shock, and we stopped and took some sense of where we were. And we drove smaller cars, and we developed more efficient refrigerators and air conditioners, and we reduced energy. We had a big recession, a big worldwide recession as a result of that. So energy use went down.

But now look. It is climbing back up again. Three hundred years, the age of oil, it will be but a blip in the history of man.

Again, I ask, what will future people think when they look back at this and say, why didn't we stop when we found this incredible wealth under the ground to ask what could we do with this to get the most good for the most people for the longer time? That is obviously the question that almost nobody asked. What we asked was, how can we use more and more of this to improve more and more our quality of life, as if it were forever. Obviously, as Hyman Rickover said 50 years ago, it can't be forever.

The next chart is a really interesting one. As I mentioned, we are 1 person out of 22, and we use a fourth of the world's energy. Energy use is on the abscissa here, and how good you feel about life is on the ordinate. And notice that we are way out there. We feel pretty good about life, but not as good as many others. We are just here. There are all of those who feel better about life. And we clearly are using the most energy. Only little Switzerland comes close to us in using energy.

Interesting chart here. If you could draw a line through this, you would see that with little energy it is really tough to feel good about life. But when you come up here to what, a fifth of the amount of energy we use, a lot of people, Colombia, Brazil, Mexico, China, they feel about as good about life as we do. If you look at the countries in Europe here, you will find that many of those use about half the energy we use, and they feel just as good about life as we feel.

What this points out is that it is possible to live a quality life using much less energy than we use, and all you have to do is to look at these countries that use very much less energy than we do and feel just about as good, and some of them better. All of these above my arm here feel better about life than we feel about life. And they are using less energy than we are using.

Well, what now? Well, obviously, we must transition. Geology will assure it, as anticipated by Hyman Rickover in that very fascinating speech to the physicians 50 years ago. We will transition ultimately as we go through the age of oil from the fossil fuels to renewables. We have available to us some finite sources, and I mentioned the tar sands, and we have about as large a potential supply of energy in our West called the oil shales, a little bit different. They aren't really oil. You put a solvent in, they won't flow out. But if you cook them, they will turn to oil, and you can then refine it. And there is potentially a huge amount of energy there. But can we get it?

The Shell Oil Company has gone there doing some experimentation. And a year or so ago I was a speaker out in Denver, Colorado, at the American chapter of the Peak Oil Association. And the investigator for the Shell Oil Company that conducted this little experiment was there and reported on it. And what he said in his report there was very different than the stories you read in the papers. The stories in the papers said, you know, don't worry about energy. We have this huge potential amount there, and we have found a way to get it. That is not what he said.

Let me tell you what they did. What they did was, and I am not sure of the reasoning because I hear two reasons for it. One was that there was an aquifer there they didn't want to contaminate. And the other had something to do with the mechanics of sequestering the oil. But they drilled a series of holes around the periphery, and then they froze the ground, and they froze it for a year so that now they had, in effect, a frozen vessel.

The second argument was that they did that to contain the heat. That is a little hard for me to understand how a frozen vessel contains heat, but that is the argument that I was given. Then at the end of the year they went in and drilled a second set of holes, and then they pumped heat down there, and they cooked it for a year. And then they drilled a third set of holes, and then when they got to the bottom of those holes, they turned it sideways, which they can do now, and drilled it horizontally. So the oil that was loosened by cooking it in the second set of wells they drilled now flowed down through the shale and was picked up by those horizontal channels from the third set of wells they drilled. And they pumped for several years a really meaningful amount of oil from that. So there is potentially a lot of oil there.

□ 1730

But what the investigator told us was that it would be, I think he said, something like 2013 before they could even decide whether it was economically feasible to develop those fields.

So there is huge potential there. There are also huge challenges there. But it is energy. We will develop some of it. But it is finite. It will not last forever either. And there is going to be enormous cost in developing it, both economic cost and environmental costs.

Now, you can trade the environmental cost for economic cost. If you do not mind polluting the environment you can develop it for less money. At the moment, most of us believe we should not be polluting our environment so we spend the money necessary that we do not, although they are not really doing that in Alberta, Canada. They are using up precious water, and they have a relatively huge lake of tailing water as they call it, which is really pretty toxic stuff.

Coal. We and China have a lot of coal. China was suffocating themselves with coal smoke. They closed down some of their coal-fired power plants. People will tell you that we have 500 years of coal. That is just not true. It is true that we have 250 years of coal at current use rates. We will put the next chart up in front of this one.

Be very careful when people tell you we have so much of something at current use rates. When Albert Einstein was asked what the next big force in the universe was going to be after nuclear energy, which had such a dramatic increase over any kind of energy we had before that, his answer was, compound interest, he said was the most powerful force in the universe.

And there is a really interesting talk given, he is not my relative, I wish he were so I had some of his genes, but Dr. Albert Bartlett, Professor Emeritus at the University of Colorado has given a talk on energy I think some 1,600 times. Just do Albert Bartlett and energy and you will pull it up. It was the most fascinating 1-hour talk I ever listened to, and I am sure you will agree.

But he says that the biggest failure of our industrialized society is our inability to understand the exponential function. You see this coal that will last us 250 years at current use rates if we increase its use only 2 percent, and we will have to do better than that. By the way, coal has been in the past a big source of gas and oil.

Hitler ran his whole country and his whole military on it. And when we were limiting the opportunities for trade in South Africa, they were making gas and oil from coal. When I was a little boy, it was coal oil. And I thought it was all one word, coal oil that replaced whale oil in the lamps. I kept calling it coal oil a long time after they were getting it from kerosene rather than coal.

But if you increase it just 2 percent, that shrinks its usable duration to about 85 years. But obviously for many of our uses you cannot use coal, you have got to use it as a gas or liquid. If you use some of the energy from the coal to make it into a gas or liquid you have now shrunk it to 50 years.

But the reality is that it does not matter who owns the resource today, it is all traded in a global marketplace. And the guy who has the dollars buys the oil or the gas. And so whether we like it or not, there is no alternative that we are going to share our oil with the world. Because, you see if we use oil from our coal, that just frees up some oil from pumping it out of the ground that somebody else can use.

So the effect is as if we were sharing our oil with the world so that 50 years from now, we use a fourth, you remember the rest of the world uses the other three-fourths, that means that now shrinks to 12½ years. So that marvelous 200 years of coal at no growth for us now shrinks to 50 years when we increase its growth to only 2 percent, and use some of it, the energy, to convert it to gas and oil. And then we realize that we are going to have to share this, no alternative, unless we have a big enough Navy to say, it is ours and we can keep you from coming and getting it. We are going to have to share it with the world so now it lasts 12½ years.

Let's go back to this chart. Going just for a few moments about nuclear. If you were in France, you would get about 80, 85 percent of all of your electricity from nuclear. We get in our country 20 percent of our electricity from nuclear, that is a lot. When you go home tonight look out your window, and every fifth business and every fifth house would be dark if it were not for nuclear energy.

We have never had an accident. We have never had a fatality. Three Mile Island, it behaved just as it was supposed to behave. I lived within the radiation zone of that. And we contained that. That was not a disaster. It was just a demonstration that we were building them right, because when we had the meltdown at Three Mile Island we contained that. There was little effect from it.

There are three different ways you can get nuclear energy. One is the way we get it from lightwater reactors. That uses fissionable uranium. There is a finite supply of fissionable uranium in the world.

And I get wildly divergent estimates of how long it will last, 15 years, 100 years. Again, this is at that current use rate. So you have to ask the person, what rate of use are you assuming when you make this projection? This reminds me, by the way, that we need an honest broker to help us agree on the facts.

It is hard to have a rational discussion when you cannot agree on the facts. And I think the right candidate to do this is the National Academy of Sciences. Enormously respected, very competent. And I have talked with them, and they would be interested in doing this. We just need to fund them so they can do it.

We need to have a rational discussion of this. And we cannot have that when there is big differences of opinion as to what the facts are.

Well, ultimately one day sooner or later, there will not be enough fissionable uranium to go to lightwater reactors. So then we are going to have to go to the second type of fission reactors, that is the breeder reactor. France already uses those. The only ones we had we used for making weapons. We now do not do that anymore. They have problems.

The big advantage, of course, is they are what the name implies, they are breeder reactors, they make more fuel that they use. The problems are that they have a byproduct that we must store away for a quarter of a million years. I cannot even imagine that. A quarter of a million years.

I think there is a challenge here. Anything that is so hot that has no much energy in it that I cannot get near it for a quarter of a million years, don't you think ought to have enough energy there that we can do something meaningful with it?

Now we have been profligate in our use of energy, all energy including nuclear energy. And we use only a tiny fraction of the nuclear energy in the isotope when we say it is no longer good for our reactors, so we put some more in. But I think there is a big challenge there. I think there is a potential source of energy from these byproducts. If it is so hot, such high radiation that I cannot get near it for a quarter of a million years, it ought to have some usable energy in it. We have very creative, innovative people. I think that we can find that if we realize that we need to.

The third type of nuclear energy is the type that is represented in the sun and every other star out there in the Milky Way. The sun is a nuclear reactor. And it is fusion reaction, it is like our hydrogen bomb. By the way, it will one day run down too. But that will be in millions of years in the future, so in our context we do not need to think about that.

We have been spending money on fusion, about $250 million a year. We are always about 30 years away from a solution. I gladly would vote for the money that we spend there. I think that we have got to do that. If we can conquer the enormous engineering challenges then we are home free. That is the only energy source out there that can take the place of fossil fuels. But I think the odds of doing that are about the same as the odds of winning the lottery. And if you are satisfied that you are going to meet your financial obligations by playing the lottery, then you are probably satisfied that we are going to meet our energy needs with nuclear fusion. Please do not bet the ranch on it.

Well, once we have gone through these finite sources and we have done what we can with nuclear, I have friends that have been devoutly anti-nuclear, but they are very bright people. And when they are looking at a very probable alternative, that is, shivering in the dark, not enough energy to

keep warm, not enough energy to run the lights, nuclear does not look all that bad to many people who before were not enthusiastic about it when the alternative might be shivering in the dark.

Well, then we have renewable resources. And as Dr. Rickover said, by and by, we will have transitioned to these renewable resources. There will come a day when the fossil fuels are so scarce, so hard to get, so expensive, that we are getting little or none of them. And we will have, by that time, have transitioned, like it or not, we will have transitioned to these renewables. What are they? There is the sun. As I look at what the sun does, I am not surprised that the ancients worshiped the sun.

Almost all of the energy that we have been talking about here came from the sun. It was the sun that permitted the organic materials to grow in those subtropical seas that existed. The Earth, a long time ago, was much warmer than the Earth today. They were up there in the North Shore of Alaska, and in the North Sea off England producing these organic materials that settled to the bottom, infiltrated by runoff from the adjacent hills, probably. This is all theory. As good an explanation as I have heard as to how it got there. Tectonic moved. It opened up. It sank down. Near enough, proper pressure, proper heat, enough time, and by and by it becomes gas and oil, with a dome over so the gas cannot escape.

Then you have a good field. You get gas from it. You get oil from it. And if you drill into the oil and seal off the gas, the gas pressure above is putting pressure on the oil, so you have a gusher, it just pushes it up the pipe. So you see that this is the way it was formed. We have an explanation for what we find when we drill out there.

So all of the gas and oil came from the sun. When I was a little boy, we had a coal furnace. And we had run a mined coal from dust to big lumps, and some lumps so big that you could not put them in the furnace. And there was a sledgehammer by the wall, and we would break the lumps so we could get them in the furnace.

I remember as a little kid the feelings that I had, and I still get a chill when I think of this. I would break open the lump of that coal and there would be a fern leaf. You did not have to tell me where the coal came from. I knew where the coal came from. It came from ancient vegetation that grew and fell over and was covered up and ultimately became coal. We can see this process in the making in England, of the bogs there, it is not coal yet but you can take it out and burn it.

Wind. The wind blows because the sun shines. It is differential heating of the Earth that makes the wind blow.

Here is one that is not due to the sun. This is geothermal. True geothermal, not tying your heat pump to groundwater or earth, which makes a whole lot more sense than trying to coal the winter air and heat the summer air, which is what your radiational air conditioner and heat system, heat pump does.

But this is tapping into the heat from the molten core of the Earth. You go to Iceland, there is not a single chimney because they have a lot of geothermal, that is where they get their energy.

Ocean energy. Except for the tides, all of ocean energy is really a secondhand sun energy. It is the sun which differentially heats the waters. It is the sun which produces ultimately the Gulf Stream and the Japanese current, which carries so much warmth to northern Europe. Look at England on a globe. You will see that England is about mid-Canada, that is certainly not their climate, that is because of what the sun does in heating that water and setting up this conveyor belt.

The tides, of course, are produced by the Moon. There a lot of potential energy there. And then a very popular potential source of energy today, the President talked about it last night in his State of the Union, energy sources from agriculture.

Hyman Rickover in his speech here talked about that. And he said that ultimately, if you are getting energy from agriculture, you are going to be competing with one of two things, either you compete with food, and today corn is over $4 a barrel, it is ordinarily about $2 a barrel so that our dairy farmers and chicken farmers and hog farmers are now having a hard time making ends meet, because corn has about doubled in price, and that is because using corn for ethanol is competing with corn for food.

If we all became vegetarians, by the way, we would all have a whole lot more corn to use for energy. Soy diesel, biodiesel, these are all attractive sources. The second potential source of energy from agriculture was biomass. And the President talked a lot about that last night.

But Hyman Rickover very astutely noted that today's crops grow because last year's crops died and are fertilizing them. He noted that you will need to return the biomass to the soils if you are going to keep productivity going.

□ 1745

Now, we can get some energy from ethanol, and we can get some energy from biomass by burning it or fermenting it, but there are limits as to how much we can get there. And the incredible amount of energy that we use from fossil fuels presents a huge challenge to try to find enough disparate sources of energy to add up to equal the energy that we get there.

Waste energy, that is an interesting one, and we ought to be doing more of that. It is a very good idea. But remember, that big pile of waste that you see at the city dump is the result of profligate use of energy. In an energy-deficient world, we are not going to have those huge piles of waste. That is really secondhand use of fossil fuels because that is how the waste got there.

Hydrogen. Hydrogen is not an energy source. We must make hydrogen. The second law of thermal dynamics says you will always get less energy out of hydrogen than it took to make it. So why are we talking about hydrogen? For two reasons. One, when you burn it, it is really clean. You get water.

Secondly, if we ever get an economically feasible fuel cell, hydrogen is a great candidate for the fuel cell. But minus a good fuel cell, there will not be a viable hydrogen economy because you will always get less energy out of hydrogen than it took to make it. If you are simply burning the hydrogen, you could have gotten more energy by burning the gas from which you got the electricity which you used to split the water to get hydrogen.

So that is why there is such a focus on fuel cells, because it opens up the promise of a really clean fuel with at least twice the efficiency of the reciprocating engine.

The next chart, and I would like to talk about this one in terms of a young couple whose grandparents have died and left them a big inheritance, and they have now established a life-style. Hyman Rickover described that life-style with 33 servants, or the equivalent. They have established a life-style where 85 percent of the money they spend comes from their grandparents' inheritance, and only 15 percent comes from their income. It is not going to last long enough for them to retire. They have to do something. They have to spend less money or make more money.

That is exactly where we are energywise. Eighty-five percent of our energy comes from fossil fuels: coal, petroleum, natural gas. Only 15 percent comes from other sources, and a bit more than half of that comes from nuclear. That could grow, and probably should grow. And that leaves 7 percent, and this is in 2000. We are a little better today than we were in 2000, but the challenges are huge. Even with 30 percent growth, when you are going from 0.07 percent, in 2000 that is the contribution that solar made to our energy supply. It is minuscule. And the noise level.

We are doing much better today, and it is growing rapidly, but it is still a tiny fraction of the energy we use.

Notice wood here, more than a third of all of the renewables. That is the timber industry and the paper industry wisely using a by-product.

Waste to energy we talked about.

Wind is just another way to use sun energy.

Conventional hydro, we have maxed out on that. We can maybe get some microhydro. We have about maxed out on that.

The next chart, briefly, what do we need to do. We need a program, if we

are going to have a relatively smooth ride, and we have waited too long to address this problem, but we need a program that has the total commitment of World War II, that has the technology focus of putting a man on the moon, and has the urgency of the Manhattan Project.

We need a vigorous conservation time to buy time, free up some energy, buy some time, use it wisely, invest it in those things that will do the most good for the most people. We could become a major exporter. We have a very innovative society. We have a farm bill that is challenging our farmers. And if a farm can't be energy independent, we have big problems because that is where a lot of energy could be produced.

This is challenging our farm people to develop a farm where they produce twice as much energy as they use so there is some for the city person.

Mr. Speaker, www.bartlett.house.gov will get you access to all of this material.

Mr. Speaker, I submit into the CONGRESSIONAL RECORD the entire speech "Energy Resources and Our Future," by Admiral Hyman Rickover, Chief, Naval Reactors Branch, Division of Reactor Development, U.S. Atomic Energy Commission and Assistant Chief of the Bureau of Ships for Nuclear Propulsion, Navy Department, prepared for delivery at a Banquet of the Annual Scientific Assembly of the Minnesota State Medical Association, St. Paul, Minnesota on May 14, 1957.

ENERGY RESOURCES AND OUR FUTURE

I am honored to be here tonight, though it is no easy thing, I assure you, for a layman to face up to an audience of physicians. A single one of you, sitting behind his desk, can be quite formidable.

My speech has no medical connotations. This may be a relief to you after the solid professional fare you have been absorbing. I should like to discuss a matter which will, I hope, be of interest to you as responsible citizens: the significance of energy resources in the shaping of our future.

We live in what historians may some day call the Fossil Fuel Age. Today coal, oil, and natural gas supply 93% of the world's energy; water power accounts for only 1%; and the labor of men and domestic animals the remaining 6%. This is a startling reversal of corresponding figures for 1850—only a century ago. Then fossil fuels supplied 5% of the world's energy, and men and animals 94%. Five sixths of all the coal, oil, and gas consumed since the beginning of the Fossil Fuel Age has been burned up in the last 55 years.

These fuels have been known to man for more than 3,000 years. In parts of China, coal was used for domestic heating and cooking, and natural gas for lighting as early as 1000 B.C. The Babylonians burned asphalt a thousand years earlier. But these early uses were sporadic and of no economic significance. Fossil fuels did not become a major source of energy until machines running on coal, gas, or oil were invented. Wood, for example, was the most important fuel until 1880 when it was replaced by coal; coal, in turn, has only recently been surpassed by oil in this country.

Once in full swing, fossil fuel consumption has accelerated at phenomenal rates. All the fossil fuels used before 1900 would not last five years at today's rates of consumption.

Nowhere are these rates higher and growing faster than in the United States. Our country, with only 6% of the world's population, uses one third of the world's total energy input; this proportion would be even greater except that we use energy more efficiently than other countries. Each American has at his disposal, each year, energy equivalent to that obtainable from eight tons of coal. This is six times the world's per capita energy consumption. Though not quite so spectacular, corresponding figures for other highly industrialized countries also show above average consumption figures. The United Kingdom, for example, uses more than three times as much energy as the world average.

With high energy consumption goes a high standard of living. Thus the enormous fossil energy which we in this country control feeds machines which make each of us master of an army of mechanical slaves. Man's muscle power is rated at 35 watts continuously, or one-twentieth horsepower. Machines therefore furnish every American industrial worker with energy equivalent to that of 244 men, while at least 2,000 men push his automobile along the road, and his family is supplied with 33 faithful household helpers. Each locomotive engineer controls energy equivalent to that of 100,000 men; each jet pilot of 700,000 men. Truly, the humblest American enjoys the services of more slaves than were once owned by the richest nobles, and lives better than most ancient kings. In retrospect, and despite wars, revolutions, and disasters, the hundred years just gone by may well seem like a Golden Age.

Whether this Golden Age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population. Before I go into this question, let me review briefly the role of energy resources in the rise and fall of civilizations.

Possession of surplus energy is, of course, a requisite for any kind of civilization, for if man possesses merely the energy of his own muscles, he must expend all his strength—mental and physical—to obtain the bare necessities of life.

Surplus energy provides the material foundation for civilized living—a comfortable and tasteful home instead of a bare shelter; attractive clothing instead of mere covering to keep warm; appetizing food instead of anything that suffices to appease hunger. It provides the freedom from toil without which there can be no art, music, literature, or learning. There is no need to belabor the point. What lifted man—one of the weaker mammals—above the animal world was that he could devise, with his brain, ways to increase the energy at his disposal, and use the leisure so gained to cultivate his mind and spirit. Where man must rely solely on the energy of his own body, he can sustain only the most meager existence.

Man's first step on the ladder of civilization dates from his discovery of fire and his domestication of animals. With these energy resources he was able to build a pastoral culture. To move upward to an agricultural civilization he needed more energy. In the past this was found in the labor of dependent members of large patriarchal families, augmented by slaves obtained through purchase or as war booty. There are some backward communities which to this day depend on this type of energy.

Slave labor was necessary for the city-states and the empires of antiquity; they frequently had slave populations larger than their free citizenry. As long as slaves were abundant and no moral censure attached to their ownership, incentives to search for alternative sources of energy were lacking; this may well have been the single most important reason why engineering advanced very little in ancient times.

A reduction of per capita energy consumption has always in the past led to a decline in civilization and a reversion to a more primitive way of life. For example, exhaustion of wood fuel is believed to have been the primary reason for the fall of the Mayan Civilization on this continent and of the decline of once flourishing civilizations in Asia. India and China once had large forests, as did much of the Middle East. Deforestation not only lessened the energy base but had a further disastrous effect: lacking plant cover, soil washed away, and with soil erosion the nutritional base was reduced as well.

Another cause of declining civilization comes with pressure of population on available land. A point is reached where the land can no longer support both the people and their domestic animals. Horses and mules disappear first. Finally even the versatile water buffalo is displaced by man who is two and one half times as efficient an energy converter as are draft animals. It must always be remembered that while domestic animals and agricultural machines increase productivity per man, maximum productivity per acre is achieved only by intensive manual cultivation.

It is a sobering thought that the impoverished people of Asia, who today seldom go to sleep with their hunger completely satisfied, were once far more civilized and lived much better than the people of the West. And not so very long ago, either. It was the stories brought back by Marco Polo of the marvelous civilization in China which turned Europe's eyes to the riches of the East, and induced adventurous sailors to brave the high seas in their small vessels searching for a direct route to the fabulous Orient. The ''wealth of the Indies'' is a phrase still used, but whatever wealth may be there it certainly is not evident in the life of the people today.

Asia failed to keep technological pace with the needs of her growing populations and sank into such poverty that in many places man has become again the primary source of energy, since other energy converters have become too expensive. This must be obvious to the most casual observer. What this means is quite simply a reversion to a more primitive stage of civilization with all that it implies for human dignity and happiness.

Anyone who has watched a sweating Chinese farm worker strain at his heavily laden wheelbarrow, creaking along a cobblestone road, or who has flinched as he drives past an endless procession of human beasts of burden moving to market in Java—the slender women bent under mountainous loads heaped on their heads—anyone who has seen statistics translated into flesh and bone, realizes the degradation of man's stature when his muscle power becomes the only energy source he can afford. Civilization must wither when human beings are so degraded.

Where slavery represented a major source of energy, its abolition had the immediate effect of reducing energy consumption. Thus when this time-honored institution came under moral censure by Christianity, civilization declined until other sources of energy could be found. Slavery is incompatible with Christian belief in the worth of the humblest individual as a child of God. As Christianity spread through the Roman Empire and masters freed their slaves—in obedience to the teaching of the Church—the energy base of Roman civilization crumbled. This, some historians believe, may have been a major factor in the decline of Rome and the temporary reversion to a more primitive way of life during the Dark Ages. Slavery gradually disappeared throughout the Western world, except in its milder form of serfdom. That it was revived a thousand years later merely shows man's ability to stifle his conscience—

at least for a while—when his economic needs are great. Eventually, even the needs of overseas plantation economies did not suffice to keep alive a practice so deeply repugnant to Western man's deepest convictions.

It may well be that it was unwillingness to depend on slave labor for their energy needs which turned the minds of medieval Europeans to search for alternate sources of energy, thus sparking the Power Revolution of the Middle Ages which, in turn, paved the way for the Industrial Revolution of the 19th Century. When slavery disappeared in the West engineering advanced. Men began to harness the power of nature by utilizing water and wind as energy sources. The sailing ship, in particular, which replaced the slave-driven galley of antiquity, was vastly improved by medieval shipbuilders and became the first machine enabling man to control large amounts of inanimate energy.

The next important high-energy converter used by Europeans was gunpowder—an energy source far superior to the muscular strength of the strongest bowman or lancer. With ships that could navigate the high seas and arms that could outfire any hand weapon, Europe was now powerful enough to preempt for herself the vast empty areas of the Western Hemisphere into which she poured her surplus populations to build new nations of European stock. With these ships and arms she also gained political control over populous areas in Africa and Asia from which she drew the raw materials needed to speed her industrialization, thus complementing her naval and military dominance with economic and commercial supremacy.

When a low-energy society comes in contact with a high-energy society, the advantage always lies with the latter. The Europeans not only achieved standards of living vastly higher than those of the rest of the world, but they did this while their population was growing at rates far surpassing those of other peoples. In fact, they doubled their share of total world population in the short span of three centuries. From one sixth in 1650, the people of European stock increased to almost one third of total world population by 1950.

Meanwhile much of the rest of the world did not even keep energy sources in balance with population growth. Per capita energy consumption actually diminished in large areas. It is this difference in energy consumption which has resulted in an ever-widening gap between the one-third minority who live in high-energy countries and the two-thirds majority who live in low-energy areas.

These so-called underdeveloped countries are now finding it far more difficult to catch up with the fortunate minority than it was for Europe to initiate transition from low-energy to high-energy consumption. For one thing, their ratio of land to people is much less favorable; for another, they have no outlet for surplus populations to ease the transition since all the empty spaces have already been taken over by people of European stock.

Almost all of today's low-energy countries have a population density so great that it perpetuates dependence on intensive manual agriculture which alone can yield barely enough food for their people. They do not have enough acreage, per capita, to justify using domestic animals or farm machinery, although better seeds, better soil management, and better hand tools could bring some improvement. A very large part of their working population must nevertheless remain on the land, and this limits the amount of surplus energy that can be produced. Most of these countries must choose between using this small energy surplus to raise their very low standard of living or postpone present rewards for the sake of future gain by investing the surplus in new industries. The choice is difficult because there is no guarantee that today's denial may not prove to have been in vain. This is so because of the rapidity with which public health measures have reduced mortality rates, resulting in population growth as high or even higher than that of the high-energy nations. Theirs is a bitter choice; it accounts for much of their anti-Western feeling and may well portend a prolonged period of world instability.

How closely energy consumption is related to standards of living may be illustrated by the example of India. Despite intelligent and sustained efforts made since independence, India's per capita income is still only 20 cents daily; her infant mortality is four times ours; and the life expectance of her people is less than one half that of the industrialized countries of the West. These are ultimate consequences of India's very low energy consumption: one-fourteenth of world average; one-eightieth of ours.

Ominous, too, is the fact that while world food production increased 9% in the six years from 1945–51, world population increased by 12%. Not only is world population increasing faster than world food production, but unfortunately, increases in food production tend to occur in the already well-fed, high-energy countries rather than in the undernourished, low-energy countries where food is most lacking.

I think no further elaboration is needed to demonstrate the significance of energy resources for our own future. Our civilization rests upon a technological base which requires enormous quantities of fossil fuels. What assurance do we then have that our energy needs will continue to be supplied by fossil fuels: The answer is—in the long run—none.

The earth is finite. Fossil fuels are not renewable. In this respect our energy base differs from that of all earlier civilizations. They could have maintained their energy supply by careful cultivation. We cannot. Fuel that has been burned is gone forever. Fuel is even more evanescent than metals. Metals, too, are non-renewable resources threatened with ultimate extinction, but something can be salvaged from scrap. Fuel leaves no scrap and there is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago and took eons to grow to their present volume.

In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect: the longer they last, the more time do we have, to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

Engineers whose work familiarizes them with energy statistics; far-seeing industrialists who know that energy is the principal factor which must enter into all planning for the future; responsible governments who realize that the well-being of their citizens and the political power of their countries depend on adequate energy supplies—all these have begun to be concerned about energy resources. In this country, especially, many studies have been made in the last few years, seeking to discover accurate information on fossil-fuel reserves and foreseeable fuel needs.

Statistics involving the human factor are, of course, never exact. The size of usable reserves depends on the ability of engineers to improve the efficiency of fuel extraction and use. It also depends on discovery of new methods to obtain energy from inferior resources at costs which can be borne without unduly depressing the standard of living. Estimates of future needs, in turn, rely heavily on population figures which must always allow for a large element of uncertainty, particularly as man reaches a point where he is more and more able to control his own way of life.

Current estimates of fossil fuel reserves vary to an astonishing degree. In part this is because the results differ greatly if cost of extraction is disregarded or if in calculating how long reserves will last, population growth is not taken into consideration; or, equally important, not enough weight is given to increased fuel consumption required to process inferior or substitute metals. We are rapidly approaching the time when exhaustion of better grade metals will force us to turn to poorer grades requiring in most cases greater expenditure of energy per unit of metal.

But the most significant distinction between optimistic and pessimistic fuel reserve statistics is that the optimists generally speak of the immediate future—the next twenty-five years or so—while the pessimists think in terms of a century from now. A century or even two is a short span in the history of a great people. It seems sensible to me to take a long view, even if this involves facing unpleasant facts.

For it is an unpleasant fact that according to our best estimates, total fossil fuel reserves recoverable at not over twice today's unit cost, are likely to run out at some time between the years 2000 and 2050, if present standards of living and population growth rates are taken into account. Oil and natural gas will disappear first, coal last. There will be coal left in the earth, of course. But it will be so difficult to mine that energy costs would rise to economically intolerable heights, so that it would then become necessary either to discover new energy sources or to lower standards of living drastically.

For more than one hundred years we have stoked ever growing numbers of machines with coal; for fifty years we have pumped gas and oil into our factories, cars, trucks, tractors, ships, planes, and homes without giving a thought to the future. Occasionally the voice of a Cassandra has been raised only to be quickly silenced when a lucky discovery revised estimates of our oil reserves upward, or a new coalfield was found in some remote spot. Fewer such lucky discoveries can be expected in the future, especially in industrialized countries where extensive mapping of resources has been done. Yet the popularizers of scientific news would have us believe that there is no cause for anxiety, that reserves will last thousands of years, and that before they run out science will have produced miracles. Our past history and security have given us the sentimental belief that the things we fear will never really happen—that everything turns out right in the end. But, prudent men will reject these tranquilizers and prefer to face the facts so that they can plan intelligently for the needs of their posterity.

Looking into the future, from the mid–20th Century, we cannot feel overly confident that present high standards of living will of a certainty continue through the next century and beyond. Fossil fuel costs will soon definitely begin to rise as the best and most accessible reserves are exhausted, and more effort will be required to obtain the same energy from remaining reserves. It is likely also that liquid fuel synthesized from coal will be more expensive. Can we feel certain that when economically recoverable fossil

fuels are gone science will have learned how to maintain a high standard of living on renewable energy sources?

I believe it would be wise to assume that the principal renewable fuel sources which we can expect to tap before fossil reserves run out will supply only 7 to 15% of future energy needs. The five most important of these renewable sources are wood fuel, farm wastes, wind, water power, and solar heat.

Wood fuel and farm wastes are dubious as substitutes because of growing food requirements to be anticipated. Land is more likely to be used for food production than for tree crops; farm wastes may be more urgently needed to fertilize the soil than to fuel machines.

Wind and water power can furnish only a very small percentage of our energy needs. Moreover, as with solar energy, expensive structures would be required, making use of land and metals which will also be in short supply. Nor would anything we know today justify putting too much reliance on solar energy though it will probably prove feasible for home heating in favorable localities and for cooking in hot countries which lack wood, such as India.

More promising is the outlook for nuclear fuels. These are not, properly speaking, renewable energy sources, at least not in the present state of technology, but their capacity to ''breed'' and the very high energy output from small quantities of fissionable material, as well as the fact that such materials are relatively abundant, do seem to put nuclear fuels into a separate category from exhaustible fossil fuels. The disposal of radioactive wastes from nuclear power plants is, however, a problem which must be solved before there can be any widespread use of nuclear power.

Another limit in the use of nuclear power is that we do not know today how to employ it otherwise than in large units to produce electricity or to supply heating. Because of its inherent characteristics, nuclear fuel cannot be used directly in small machines, such as cars, trucks, or tractors. It is doubtful that it could in the foreseeable future furnish economical fuel for civilian airplanes or ships, except very large ones. Rather than nuclear locomotives, it might prove advantageous to move trains by electricity produced in nuclear central stations. We are only at the beginning of nuclear technology, so it is difficult to predict what we may expect.

Transportation—the lifeblood of all technically advanced civilizations—seems to be assured, once we have borne the initial high cost of electrifying railroads and replacing buses with streetcars or interurban electric trains. But, unless science can perform the miracle of synthesizing automobile fuel from some energy source as yet unknown or unless trolley wires power electric automobiles on all streets and highways, it will be wise to face up to the possibility of the ultimate disappearance of automobiles, trucks, buses, and tractors. Before all the oil is gone and hydrogenation of coal for synthetic liquid fuels has come to an end, the cost of automotive fuel may have risen to a point where private cars will be too expensive to run and public transportation again becomes a profitable business.

Today the automobile is the most uneconomical user of energy. Its efficiency is 5 percent compared with 23 percent for the Diesel-electric railway. It is the most ravenous devourer of fossil fuels, accounting for over half of the total oil consumption in this country. And the oil we use in the United States in one year took nature about 14 million years to create. Curiously, the automobile, which is the greatest single cause of the rapid exhaustion of oil reserves, may eventually be the first fuel consumer to suffer. Reduction in automotive use would necessitate an extraordinarily costly reorganization of the pattern of living in industrialized nations, particularly in the United States. It would seem prudent to bear this in mind in future planning of cities and industrial locations.

Our present known reserves of fissionable materials are many times as large as our net economically recoverable reserves of coal. A point will be reached before this century is over when fossil fuel costs will have risen high enough to make nuclear fuels economically competitive. Before that time comes we shall have to make great efforts to raise our entire body of engineering and scientific knowledge to a higher plateau. We must also induce many more young Americans to become metallurgical and nuclear engineers. Else we shall not have the knowledge or the people to build and run the nuclear power plants which ultimately may have to furnish the major part of our energy needs. If we start to plan now, we may be able to achieve the requisite level of scientific and engineering knowledge before our fossil fuel reserves give out, but the margin of safety is not large. This is also based on the assumption that atomic war can be avoided and that population growth will not exceed that now calculated by demographic experts.

War, of course, cancels all man's expectations. Even growing world tension just short of war could have far-reaching effects. In this country it might, on the one hand, lead to greater conservation of domestic fuels, to increased oil imports, and to an acceleration in scientific research which might turn up unexpected new energy sources. On the other hand, the resulting armaments race would deplete metal reserves more rapidly, hastening the day when inferior metals must be utilized with consequent greater expenditure of energy. Underdeveloped nations with fossil fuel deposits might be coerced into withholding them from the free world or may themselves decide to retain them for their own future use. The effect on Europe, which depends on coal and oil imports, would be disastrous and we would have to share our own supplies or lose our allies.

Barring atomic war or unexpected changes in the population curve, we can count on an increase in world population from two and one half billion today to four billion in the year 2000; six to eight billion by 2050. The United States is expected to quadruple its population during the 20th Century—from 75 million in 1900 to 300 million in 2000—and to reach at least 375 million in 2050. This would almost exactly equal India's present population which she supports on just a little under half of our land area.

It is an awesome thing to contemplate a graph of world population growth from prehistoric times—tens of thousands of years ago—to the day after tomorrow—let us say the year 2000 AD. If we visualize the population curve as a road which starts at sea level and rises in proportion as world population increases, we should see it stretching endlessly, almost level, for 99 percent of the time that man has inhabited the earth. In 6000 B.C., when recorded history begins, the road is running at a height of about 70 feet above sea level, which corresponds to a population of 10 million. Seven thousand years later—in 1000 AD.—the road has reached an elevation of 1,600 feet; the gradation now becomes steeper, and 600 years later the road is 2,900 feet high. During the short span of the next 400 years—from 1600 to 2000—it suddenly turns sharply upward at an almost perpendicular inclination and goes straight up to an elevation of 29,000 feet—the height of Mt. Everest, the world's tallest mountain.

In the 8,000 years from the beginning of history to the year 2000 AD. world population will have grown from 10 million to 4 billion, with 90 percent of that growth taking place during the last 5 percent of that period, in 400 years. It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling, but the next doubling will require only 50 years. Calculations give us the astonishing estimate that one out of every 20 human beings born into this world is alive today.

The rapidity of population growth has not given us enough time to readjust our thinking. Not much more than a century ago our country—the very spot on which I now stand was a wilderness in which a pioneer could find complete freedom from men and from government. If things became too crowded—if he saw his neighbor's chimney smoke—he could, and often did, pack up and move west. We began life in 1776 as a nation of less than four million people—spread over a vast continent—with seemingly inexhaustible riches of nature all about. We conserved what was scarce—human labor—and squandered what seemed abundant—natural resources—and we are still doing the same today.

Much of the wilderness which nurtured what is most dynamic in the American character has now been buried under cities, factories and suburban developments where each picture window looks out on nothing more inspiring than the neighbor's back yard with the smoke of his fire in the wire basket clearly visible.

Life in crowded communities cannot be the same as life on the frontier. We are no longer free, as was the pioneer—to work for our own immediate needs regardless of the future. We are no longer as independent of men and of government as were Americans two or three generations ago. An ever larger share of what we earn must go to solve problems caused by crowded living—bigger governments; bigger city, state, and federal budgets to pay for more public services. Merely to supply us with enough water and to carry away our waste products becomes more difficult and expansive daily. More laws and law enforcement agencies are needed to regulate human relations in urban industrial communities and on crowded highways than in the America of Thomas Jefferson.

Certainly no one likes taxes, but we must become reconciled to larger taxes in the larger America of tomorrow.

I suggest that this is a good time to think soberly about our responsibilities to our descendents—those who will ring out the Fossil Fuel Age. Our greatest responsibility, as parents and as citizens, is to give America's youngsters the best possible education. We need the best teachers and enough of them to prepare our young people for a future immeasurably more complex than the present, and calling for ever larger numbers of competent and highly trained men and women. This means that we must not delay building more schools, colleges, and playgrounds. It means that we must reconcile ourselves to continuing higher taxes to build up and maintain at decent salaries a greatly enlarged corps of much better trained teachers, even at the cost of denying ourselves such momentary pleasures as buying a bigger new car, or a TV set, or household gadget. We should find—I believe—that these small self-denials would be far more than offset by the benefits they would buy for tomorrow's America. We might even—if we wanted—give a break to these youngsters by cutting fuel and metal consumption a little here and there so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels.

One final thought I should like to leave with you. High-energy consumption has always been a prerequisite of political power.

The tendency is for political power to be concentrated in an ever-smaller number of countries. Ultimately, the nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall insure this dominant position for our own country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FATTAH (at the request of Mr. HOYER) for today on account of personal reasons.

Mr. EVERETT (at the request of Mr. BOEHNER) for today after 11:00 a.m. on account of a family matter.

Mr. BRADY of Texas (at the request of Mr. BOEHNER) for today after 2:00 p.m. on account of illness.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HODES) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HODES, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, January 29, 30 and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BARTLETT of Maryland, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,620.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, pursuant to House Concurrent Resolution 41, 110th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 41, 110th Congress, the House stands adjourned until 2 p.m. on Monday, January 29, 2007.

Thereupon (at 5 o'clock and 50 minutes p.m.), pursuant to House Concurrent Resolution 41, the House adjourned until Monday, January 29, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-646, ''National Capital Revitalization Corporation Asset Transfer Clarification Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

408. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-647, ''Community Access to Health Care Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-648, ''Closing of a Portion of a Public Alley in Square 85, S.O. 06-8859, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

410. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-649, ''Film DC Economic Incentive Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

411. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-650, ''Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

412. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-651, ''Domestic Partnership Joint Filing Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

413. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-652, ''Anti-Deficiency Act Revision Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

414. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-653, ''Second Techincal Amendments Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

415. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-654, ''Mayor and Council Compensation Adjustment and Compensation Advisory Commission Establishment Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

416. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-655, ''Shelter Monitoring and Emergency Assistance Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

417. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-630, ''Mandatory Juvenile Public Safety Notification Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

418. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-629, ''Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

419. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-628, ''Jury Trial Improvements Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

420. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-639, ''Closing of Portions of a Public Alley System in Square 700, S.O. 06-3582, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

421. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-640, ''Closing of a Public Alley in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221), Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

422. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-641, ''Walter E. Washington Convention Center Designation Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

423. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-642, ''Use of Closed Circuit Television to Combat Crime Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

424. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-643, ''Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

425. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-644, ''Special Purpose Financial Captive Authorization Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

426. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-645, ''Captive Insurance

Company Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

427. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-638, ''Closing of Portions of a Public Alley System on the West Side of Square 701, S.O. 06-3392, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

428. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-636, ''Department of Motor Vehicles Service and Safety Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

429. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-635, ''Workforce Housing Production Program Approval Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

430. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-634, ''Closing of Public Alleys in Square 798, 799, and 824 (S.O. 04-12081) and Dedication and Designation of 2nd Place, S.E., 3rd Place, S.E., L Street, S.E., (S.O. 04-12080), Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

431. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-633, ''Interest on Rental Security Deposits Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

432. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-632, ''Inclusionary Zoning Implementation Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

433. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-631, ''Criminal Record Sealing Act of 2006,''pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

434. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-627, ''Commercial Exception Clarification Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

435. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-626, ''Property Interest Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

436. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-625, ''Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

437. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-624, ''Public Charter School Assets and Facilities Preservation Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

438. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-622, ''Longtime Residential Business Definition Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

439. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-623, ''Rate of Pay for the Position of Inspector General for the Office of the Inspector General Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

440. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-621, ''Childhood Lead Screening Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

441. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-620, ''Developmental Disabilities Services Management Reform Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

442. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-619, ''Medical Malpratice Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

443. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-618, ''Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

444. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds — Securities Eligible for Purchase in Legacy Treasury Direct [Docket No. BPD GSRS 06-03] received January 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

445. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds — Customer Confirmation Reporting Requirement Threshold Amount [Docket No. BOD GSRS 06-02] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

446. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2007-7) received January 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

447. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Look-thru rule for related controlled foreign corporations [Notice 2007-9] received January 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

448. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Pension Protection Act Changes [Notice 2007-7] received January 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Election of Alternative Deficit Reduction Contribution [Notice 2006-105] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2007-9) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

451. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Relief for Certain Partnership and Other Pass-Thru Entities Under Section 470 [Notice 2007-4] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

452. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2006 Cumulative List of Changes in Plan Qualification Requirements [Notice 2007-3] received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

453. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2007-10) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Business Electronic Filing [TD9300] (RIN: 1545-BC15) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reduction in Taxable Income for Housing Hurricane Katrina Displaced Individuals [TD 9301] (RIN: 1545-BF89) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

456. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exception to the HIPAA Nondiscrimination Requirements for Certain Grandfathered Church Plans [TD 9299] (RIN: 1545-AY33) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

457. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories (Rev. Rul. 2006-62) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

458. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Final Rules for Nondiscrimination and Wellness Programs in Health Coverage in the Group Market [TD 9298] (RIN: 1545-AY32) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

459. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Losses Reported From Inflated Basis Assets From Lease Stripping Transactions — received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

460. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the case of Certain Debt Instruments Issued for Property (Rev. Rul. 2007-2) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

461. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Distributions

under sections 368(a)(1)(D) and 354(b)(1(B) [TD 9303] (RIN: 1545-BF84) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

462. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Prohibited Allocations of Securities in an S Corporation [TD 9302] (RIN: 1545-BC34) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

463. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Field Directive on Application of IRC Section 118 to Partnerships — received January 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REYNOLDS (for himself, Mr. FOSSELLA, Mr. CROWLEY, Mr. MCNULTY, Mr. MURTHA, Mr. HOLDEN, Mr. MEEKS of New York, Mr. DELAHUNT, Mrs. LOWEY, Mr. PLATTS, Mr. MCGOVERN, Mr. ROTHMAN, Mrs. MCCARTHY of New York, Mr. HIGGINS, Mrs. MALONEY of New York, Mr. CAPUANO, Mr. CARNEY, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. SESTAK, Mr. ALTMIRE, Mr. ARCURI, Mr. HINCHEY, Mr. MCHUGH, and Mr. WALSH of New York):

H.R. 649. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. BARTLETT of Maryland, Mr. COLE of Oklahoma, Ms. FALLIN, Mr. FORTUÑO, Ms. GIFFORDS, Mr. HAYES, Mr. KUHL of New York, Mrs. MYRICK, Mr. SESSIONS, and Mr. WOLF):

H.R. 650. A bill to provide for the Secretary of Veterans Affairs to conduct a pilot program to determine the effectiveness of contracting for the use of private memory care facilities for veterans with Alzheimer's Disease; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. COLE of Oklahoma, Ms. FALLIN, Mr. WOLF, and Mr. CALVERT):

H.R. 651. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself, Mr. BARTLETT of Maryland, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mrs. CHRISTENSEN, Mr. COLE of Oklahoma, Mr. DAVID DAVIS of Tennessee, Mr. EHLERS, Ms. FALLIN, Mr. FOSSELLA, Mr. HALL of Texas, Mr. HINOJOSA, Mr. LEWIS of California, Mr. LOBIONDO, Mr. MILLER of Florida, Mrs. MYRICK, Mr. RAMSTAD, Mr. ROGERS of Kentucky, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, and Mr. CALVERT):

H.R. 652. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS (for himself and Mrs. MALONEY of New York):

H.R. 653. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. RANGEL (for himself, Mr. FLAKE, Mr. MCGOVERN, Mrs. EMERSON, Mr. DELAHUNT, Mr. RAMSTAD, Mr. SNYDER, and Mr. MORAN of Kansas):

H.R. 654. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Affairs.

By Ms. VELÁZQUEZ:

H.R. 655. A bill to provide for more accurate valuation of multifamily housing properties, and loans for such properties, that are sold at a discount by the Department of Housing and Urban Development to facilitate acquisition of such properties that maintains the properties as affordable housing; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. JOHNSON of Illinois, Mr. CASTLE, Mr. KUHL of New York, Mr. GILCHREST, Mr. SHAYS, Mr. BARTLETT of Maryland, Mr. PLATTS, Mr. SAXTON, Mr. LOBIONDO, Mr. LAHOOD, Mr. KIRK, and Mr. WALSH of New York):

H.R. 656. A bill to require higher standards of automobile fuel efficiency with the goal of reducing the amount of oil used for fuel by automobiles in the United States by 10 percent beginning in 2017, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina:

H.R. 657. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following their death; to the Committee on Armed Services.

By Mr. PORTER:

H.R. 658. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. ROGERS of Alabama (for himself, Mr. CARNEY, Mr. KING of New York, and Mr. THOMPSON of Mississippi):

H.R. 659. A bill to improve the programs of the Department of Homeland Security relating to trained detection canines, and for other purposes; to the Committee on Homeland Security.

By Mr. CONYERS (for himself, Mr. GOHMERT, and Mr. SCOTT of Virginia):

H.R. 660. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. LATOURETTE, Ms. DELAURO, Mr. CROWLEY, Mr. TIERNEY, Ms. LEE, Mr. GRIJALVA, Ms. BERKLEY, Mr. MORAN of Virginia, Ms. WOOLSEY, Ms. SCHWARTZ, Mr. BARTLETT of Maryland, Mr. KING of New York, Mr. GEORGE MILLER of California, Mr. SMITH of New Jersey, Ms. PRYCE of Ohio, Mr. KILDEE, Mr. CUMMINGS, Mr. FRANK of Massachusetts, Ms. KAPTUR, Ms. SHEA-PORTER, Ms. SUTTON, Mr. WEINER, Mr. DICKS, Mr. DOYLE, Mr. BLUMENAUER, Mr. NADLER, Mr. SERRANO, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. HIGGINS, Mr. MCDERMOTT, Mr. SHERMAN, Mr. BERMAN, Ms. ZOE LOFGREN of California, Ms. BORDALLO, Mr. PALLONE, Mrs. DAVIS of California, Mr. HINCHEY, Mr. FARR, Mrs. MCCARTHY of New York, Mr. WEXLER, Mr. DEFAZIO, Mrs. MALONEY of New York, Mr. HOLT, Mr. SHAYS, Mr. GERLACH, Mr. GALLEGLY, Mrs. LOWEY, Ms. MATSUI, Mrs. CAPPS, Mrs. TAUSCHER, Mr. ISRAEL, Mr. LOBIONDO, Ms. CARSON, Mr. CLYBURN, Mrs. CAPITO, Mr. BISHOP of New York, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. VAN HOLLEN, Mr. UDALL of Colorado, Mr. PLATTS, Mr. RANGEL, Mr. MCNULTY, Mr. OLVER, Mr. SCHIFF, Mr. CONYERS, Mr. SAXTON, Mrs. BIGGERT, Mr. WOLF, Mr. KIRK, Mr. CLEAVER, Mr. HONDA, and Mr. STARK):

H.R. 661. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mr. BECERRA (for himself, Mr. DANIEL E. LUNGREN of California, Mr. HONDA, and Mr. CANNON):

H.R. 662. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mr. FARR, Ms. BALDWIN, Mr. BISHOP of New York, and Mr. HARE):

H.R. 663. A bill to redeploy United States Armed Forces from Iraq and to establish a new direction for United States policy toward Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL of California:

H.R. 664. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. CARDOZA):

H.R. 665. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to expand the county organized health insuring organizations authorized to enroll Medicaid beneficiaries; to the Committee on Energy and Commerce.

By Mr. COOPER:

H.R. 666. A bill to amend the Internal Revenue Code of 1986 to require that amounts paid for employer-provided coverage under

accident or health plans be included on W-2 Forms; to the Committee on Ways and Means.

By Mr. COSTA (for himself, Mr. PUTNAM, Mr. FARR, Mr. CARDOZA, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, Mr. HONDA, Mr. HERGER, Mr. BACA, Mr. FILNER, Mr. RADANOVICH, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of California, Mr. CALVERT, Mrs MCMORRIS RODGERS, Mr. GALLEGLY, Ms. ZOE LOFGREN of California, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. NUNES, Mrs. CAPPS, Mr. CRENSHAW, Mr. CARTER, Mr. GARY G. MILLER of California, Mrs. DAVIS of California, Ms. MATSUI, Ms. WOOLSEY, Mr. SALAZAR, Mr. BOYD of Florida, Mr. BUTTERFIELD, Mr. BONNER, and Ms. HIRONO):

H.R. 667. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States, and for other purposes; to the Committee on Agriculture.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 668. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require States who wish to receive funds under the Act to increase the penalty applied to a defendant convicted of a violent crime who placed a video of the commission of that crime on the Internet; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mrs. MALONEY of New York):

H.R. 669. A bill to direct the Secretary of Labor to make a grant to a public university to establish the Center for the Study of Women and Workplace Policy; to the Committee on Education and Labor.

By Mr. ENGEL (for himself, Mr. KINGSTON, Mr. INSLEE, Mr. SAXTON, Ms. ESHOO, Mrs. BONO, Mr. WYNN, Mr. TERRY, Ms. HARMAN, Mr. ROGERS of Alabama, Ms. SCHAKOWSKY, Mr. BARTLETT of Maryland, Mr. UDALL of Colorado, Mr. INGLIS of South Carolina, Mr. ROSS, Mr. CAMPBELL of California, Mr. WEINER, Mr. GILCHREST, Mr. TOWNS, Mr. SOUDER, Mr. DEFAZIO, Mr. GERLACH, Mr. BISHOP of New York, Mr. RENZI, Mr. ISRAEL, Mr. EVERETT, Mr. HALL of New York, Mr. LOBIONDO, Ms. MATSUI, Mr. MCCOTTER, Mrs. LOWEY, Mr. LINDER, Mr. KUHL of New York, Mr. HINCHEY, Mr. WESTMORELAND, Mr. BERMAN, Mr. GINGREY, Mr. ACKERMAN, Mr. ANDREWS, Mr. ARCURI, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. COHEN, Mr. CLEAVER, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. HONDA, Mr. KIND, Mr. KLEIN of Florida, Mr. LIPINSKI, Mr. MCNULTY, Ms. MCCOLLUM of Minnesota, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, Ms. SCHWARTZ, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. BURTON of Indiana, Mr. SCOTT of Georgia, Mr. PLATTS, Mr. SHERMAN, Mr. WEXLER, Mr. PRICE of Georgia, Mr. LINCOLN DAVIS of Tennessee, and Mr. LANTOS):

H.R. 670. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on foreign oil through the use of alternative fuels and new vehicle technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Ways and Means, Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 671. A bill to make funds generated from the Caribbean National Forest in the Commonwealth of Puerto Rico available to the Secretary of Agrictulture for land acquisition intended to protect the integrity of the buffer zone surrounding the Caribbean National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. FORTUÑO:

H.R. 672. A bill to protect the critical aquifers and watersheds that serve as a principal water source for the Commonwealth of Puerto Rico, to protect the tropical forests of the Karst Region of the Commonwealth, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 673. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. GUTIERREZ (for himself and Ms. CORRINE BROWN of Florida):

H.R. 674. A bill to amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009; to the Committee on Veterans' Affairs.

By Ms. HERSETH:

H.R. 675. A bill to amend title 38, United States Code, to increase the amount of assistance available to disabled veterans for specially adapted housing and to provide for annual increases in such amount; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself, Mr. KUCINICH, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Ms. LEE, Mr. FARR, Mr. MCNULTY, Mr. GRIJALVA, Mr. HINCHEY, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. ELLISON, Mr. LOEBSACK, Mr. CLAY, Mr. HONDA, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Ms. CARSON, Ms. BALDWIN, Mr. SCOTT of Virginia, Mr. ENGEL, Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. WEXLER, Mr. PASTOR, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEINER, Mr. MEEHAN, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. WYNN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FILNER, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. RANGEL, and Mr. TOWNS):

H.R. 676. A bill to provide for comprehensive health insurance coverage for all United States residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Natural Resources, 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. HOLT (for himself, Mr. MCNULTY, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. HINCHEY, Mr. DEFAZIO, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HIGGINS, Mr. CUMMINGS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. CONYERS):

H.R. 677. A bill to provide for a study by the Institute of Medicine of the National Academy of Sciences to identify constraints encountered by schools of nursing in admitting and graduating the number of nurses sufficient to meet the health care needs of the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. WOLF, Mr. PAYNE, Mrs. MYRICK, Ms. WOOLSEY, Mr. WU, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Mr. KLEIN of Florida, Mr. PATRICK MURPHY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. KIND, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. LARSON of Connecticut, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HARE, Mr. ACKERMAN, Mr. BERMAN, Ms. BORDALLO, Mr. BOUCHER, Mr. DOYLE, Mr. FATTAH, Mr. GUTIERREZ, Mr. GONZALEZ, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. OLVER, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. SNYDER, Mr. WEINER, and Ms. GIFFORDS):

H.R. 678. A bill to strengthen the national security through the expansion and improvement of foreign language study, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. WU, Mr. BLUMENAUER, and Mr. DEFAZIO):

H.R. 679. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. JEFFERSON (for himself, Mr. MELANCON, Mr. JINDAL, Mr. BAKER, Mr. BOUSTANY, and Mr. ALEXANDER):

H.R. 680. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. JONES of North Carolina:

H.R. 681. A bill to prohibit a State from receiving Federal education funds unless the State has certain policies and procedures regarding the purchase or acquisition of library and classroom-based reference, instructional, and other print materials for use in elementary schools, and for other purposes; to the Committee on Education and Labor.

By Ms. KAPTUR (for herself, Mr. GERLACH, Mr. LEVIN, and Mr. BARTLETT of Maryland):

H.R. 682. A bill to expand the Strategic Petroleum Reserve to include alternative fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky (for himself, Mr. LINCOLN DAVIS of Tennessee, Mr. NUNES, Mr. ROGERS of Kentucky, Mrs. CAPITO, Mr. DAVIS of Kentucky, Mr. WHITFIELD, Mr. PICKERING, Mr. SHIMKUS, and Mr. MCCOTTER):

H.R. 683. A bill to amend the Internal Revenue Code of 1986 to promote investment in energy independence through coal to liquid technology, biomass, and oil shale; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself, Mr. ABERCROMBIE, Mr. BAIRD, Mrs. BOYDA of Kansas, Mr. CHANDLER, Mr. CLAY, Mr. COOPER, Mr. CUMMINGS, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. HONDA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MATHESON, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. ORTIZ, Mr. RAMSTAD, Mr. ROSS, Mr. ROTHMAN, Mr. SALAZAR, Mr. THOMPSON of Mississippi, and Ms. WOOLSEY):

H.R. 684. A bill to require full funding of part A of title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts:

H.R. 685. A bill to amend the Social Security Act to eliminate the 5-month waiting period for Social Security disability and the 24-month waiting period for Medicare benefits in the cases of individuals with disabling burn injuries; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. ENGLISH of Pennsylvania, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LARSON of Connecticut, Ms. BERKLEY, Mr. CROWLEY, Mr. SOUDER, Ms. HIRONO, Mrs. CAPITO, Mr. KENNEDY, Mr. BOUCHER, Mr. HARE, Ms. JACKSON-LEE of Texas, Mr. FERGUSON, Mr. TERRY, Mrs. BONO, Mr. BACHUS, Mrs. MYRICK, Mr. PATRICK MURPHY of Pennsylvania, Mr. HASTINGS of Florida, Mr. MILLER of Florida, Mr. RUPPERSBERGER, Mr. MARIO DIAZ-BALART of Florida, Mr. MOORE of Kansas, Mr. MCHUGH, Mr. BISHOP of New York, Mr. HOLT, Ms. HOOLEY, Mr. MCCAUL of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. CARNEY, Mr. ROGERS of Michigan, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, and Mr. BURTON of Indiana):

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to make permanent the qualified tuition deduction; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. STARK, and Mr. KENNEDY):

H.R. 687. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. GENE GREEN of Texas, Mr. LOBIONDO, Mr. MCCAUL of Texas, Mrs. MYRICK, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. FATTAH, Mr. MILLER of North Carolina, Mr. ORTIZ, and Mr. ROTHMAN):

H.R. 688. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. RYAN of Wisconsin (for himself, Mr. UDALL of Colorado, Mr. MATHESON, Mr. BOEHNER, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. ENGLISH of Pennsylvania, Mr. CHABOT, Mr. CAMPBELL of California, Mr. BARRETT of South Carolina, Mr. KING of Iowa, Mr. BLUNT, Mr. GINGREY, Mr. KUHL of New York, Mr. PUTNAM, Mrs. MUSGRAVE, Mr. SENSENBRENNER, Mr. WILSON of South Carolina, Mr. DREIER, Mr. JORDAN, Mr. SMITH of Nebraska, Mr. NORWOOD, Mr. FLAKE, Mr. MCCOTTER, Mr. WELDON of Florida, Mr. CRENSHAW, Ms. FOXX, Mr. MARIO DIAZ-BALART of Florida, Mr. INGLIS of South Carolina, Mr. RAMSTAD, Mr. PITTS, Mr. FRANKS of Arizona, Mr. KIRK, Mr. MACK, Mr. ROYCE, Mr. TERRY, Mr. WELLER, Mr. MILLER of Florida, Mr. DAVIS of Kentucky, Mrs. BONO, Mr. GILLMOR, Mr. HASTINGS of Florida, Mr. JINDAL, Mr. AKIN, Mrs. MYRICK, Mr. SHADEGG, Mrs. BLACKBURN, Mr. HERGER, Mr. ISSA, Mr. CANNON, Mr. BRADY of Texas, Mr. SESSIONS, Mr. PENCE, Mr. FEENEY, Mr. CONAWAY, Mr. HOEKSTRA, Mr. KINGSTON, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mrs. DRAKE, Mr. GERLACH, Mr. MCHENRY, Mr. SHAYS, Mr. PLATTS, Mr. FORTENBERRY, Mr. PRICE of Georgia, Mr. CASTLE, Mr. TIAHRT, Mr. BURTON of Indiana, Mr. RADANOVICH, Mrs. BACHMANN, Mr. WALBERG, Mrs MCMORRIS RODGERS, Mr. ROSKAM, Mr. DANIEL E. LUNGREN of California, Mr. COBLE, Mr. RENZI, Mr. COOPER, Mr. BILIRAKIS, Mr. MCCAUL of Texas, Mr. GOODLATTE, Mr. UPTON, Mr. REICHERT, and Mr. FERGUSON):

H.R. 689. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, 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. SAXTON (for himself, Mr. CALVERT, Mr. LOBIONDO, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. LAHOOD, Mr. ETHERIDGE, Mr. BOOZMAN, Mr. DEFAZIO, Mr. MCGOVERN, Mr. FRELINGHUYSEN, Mr. ROTHMAN, Mr. JONES of North Carolina, Mr. MARSHALL, Mr. SMITH of New Jersey, Mr. HAYES, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. CONAWAY, Mr. HOLDEN, Mr. FILNER, Mr. STUPAK, Mr. TERRY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. RYAN of Wisconsin, Mr. BURTON of Indiana, Ms. HERSETH, Mr. HOLT, Mr. GONZALEZ, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Mr. CLAY, Ms. SCHAKOWSKY, and Mr. FERGUSON):

H.R. 690. A bill to amend title 10, United States Code, to reduce the minimum age for receipt of military retired pay for non-regular service from 60 to 55; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 691. A bill to amend title 10, United States Code, to expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial; to the Committee on Armed Services.

By Mr. STUPAK (for himself, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. KILDEE, and Ms. KILPATRICK):

H.R. 692. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; to the Committee on the Judiciary.

By Mr. TOWNS (for himself and Ms. CLARKE):

H.R. 693. A bill to amend title 40, United States Code, to require restroom gender parity in Federal buildings; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS (for himself, Mr. FORBES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, and Mrs. DRAKE):

H.R. 694. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. ROTHMAN, Mr. CARNAHAN, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Mrs. CAPITO, Ms. CARSON, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DINGELL, Mr. DOYLE, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HAYES, Ms. KILPATRICK, Mr. KUCINICH, Mr. LANTOS, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. MANZULLO, Mr. MCHUGH, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, Ms. NORTON, Mr. OBEY, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SERRANO, Mr. SIRES, Mr. STARK, Mr. STUPAK, Ms. WATSON, and Mr. WAXMAN):

H.R. 695. A bill to amend the Internal Revenue Code of 1986 to repeal the authority of the Secretary of the Treasury to enter into private tax collection contracts; to the Committee on Ways and Means.

By Mrs. WILSON of New Mexico:

H.R. 696. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to make available additional funds to increase access to the arts through the support of education; to the Committee on Education and Labor.

By Mr. WILSON of South Carolina (for himself, Mrs. MUSGRAVE, Mr. WICKER, Mr. PAUL, Mr. SESSIONS, Mr. GOODE, Mr. NORWOOD, Mr. MANZULLO, Mr. GARRETT of New Jersey, Mr. DOOLITTLE, Mr. SMITH of Nebraska, Mr. WELDON of Florida, Mr. POE, Mr. BURGESS, Mr. GINGREY, Mr. HAYES, Mr. CULBERSON, Mr. RADANOVICH, Mr. PRICE of Georgia, Mr. BRADY of Texas, Mrs. CUBIN, Mr. CRENSHAW, Mr. WESTMORELAND, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. MACK, Mr. CARTER, Mrs. MYRICK, Mr. HENSARLING, Mr. CAMPBELL of California, Mr. HERGER, Mr. BONNER, Mrs. DRAKE, Mr. CALVERT, Mr. CONAWAY, Mr. GARY G. MILLER of California, Mr. DREIER,

Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. FLAKE, Mr. INGLIS of South Carolina, Mr. PICKERING, Mr. STEARNS, Mr. CHABOT, Mr. GOHMERT, Mr. LEWIS of Kentucky, Mr. GOODLATTE, Mr. BARTON of Texas, Mr. BOOZMAN, and Mr. PENCE):

H.R. 697. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

By Mr. AL GREEN of Texas (for himself, Mr. HOLT, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Mr. SCHIFF, Mr. NADLER, Mr. MOORE of Kansas, Mr. VAN HOLLEN, Mr. HONDA, Mr. SARBANES, Mr. FARR, Mr. SERRANO, Mr. DINGELL, Mr. ROTHMAN, Mr. CLEAVER, Mr. KUCINICH, Ms. HIRONO, Mr. PATRICK MURPHY of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. WEINER, Mr. ENGEL, Ms. MATSUI, Ms. BERKLEY, Ms. WOOLSEY, Ms. CASTOR, Mr. MILLER of North Carolina, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. BACA, Mr. DELAHUNT, Ms. SOLIS, Mr. SIRES, Mr. SCOTT of Virginia, Mr. WU, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. COHEN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. LANTOS, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Ms. CARSON, Mr. EMANUEL, Mr. WAXMAN, Mr. WEXLER, Mrs. LOWEY, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. HOLDEN, Mr. CLAY, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. ISRAEL, Mr. CUMMINGS, Mr. LAMPSON, Mr. GENE GREEN of Texas, Ms. SUTTON, Mr. MCGOVERN, Mr. ORTIZ, Ms. SLAUGHTER, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mr. SNYDER, Mr. KILDEE, Mr. SPRATT, Mr. ROSS, Mr. CROWLEY, Mr. SESTAK, Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Ms. CLARKE, Mr. TOWNS, Mr. BERMAN, Mrs. JONES of Ohio, Mr. PASTOR, Ms. KILPATRICK, Mr. PRICE of North Carolina, Mr. TANNER, Mr. HARE, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. ELLISON, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. JEFFERSON, Mr. WYNN, Mr. BUTTERFIELD, Ms. WATERS, Mr. MEEK of Florida, Mr. VISCLOSKY, Mr. UDALL of Colorado, Ms. WASSERMAN SCHULTZ, Ms. LEE, Mr. RUPPERSBERGER, Mr. STUPAK, Mr. BISHOP of New York, Mr. CARNEY, and Mr. RANGEL):

H. Con. Res. 44. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary; to the Committee on the Judiciary.

By Mr. WOLF:

H. Con. Res. 45. Concurrent resolution expressing the sense of Congress on the new strategy in Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H. Res. 92. A resolution amending the Rules of the House of Representatives to clarify and make corrections to the House ban on air travel; to the Committee on Standards of Official Conduct.

By Mr. BOEHNER:

H. Res. 93. Resolution raising a question of the privileges of the House.

By Mr. HINOJOSA (for himself and Mrs. BIGGERT):

H. Res. 94. A resolution a resolution supporting the goals and ideals of National Consumer Protection Week; to the Committee on Energy and Commerce.

By Mrs. JONES of Ohio (for herself and Mr. WHITFIELD):

H. Res. 95. A resolution expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes; to the Committee on Education and Labor.

By Ms. KAPTUR:

H. Res. 96. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on Foreign Affairs.

By Mr. PATRICK MURPHY of Pennsylvania (for himself, Ms. HARMAN, Mr. TANNER, Mr. MARSHALL, Mr. THOMPSON of California, Mr. BOYD of Florida, Mr. ROSS, Ms. HERSETH, Mr. MOORE of Kansas, Mr. MATHESON, Mr. CARDOZA, Mr. CHANDLER, Mr. ARCURI, Mr. MCINTYRE, Mr. BOSWELL, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. COSTA, Mr. SHULER, Mr. HILL, Mr. MAHONEY of Florida, Mr. ELLSWORTH, Mr. HOLDEN, Mr. LINCOLN DAVIS of Tennessee, Mr. BACA, Mrs. GILLIBRAND, Ms. BEAN, Mr. ISRAEL, Mr. DONNELLY, Mr. MELANCON, Mr. BERRY, Mr. POMEROY, Mr. BARROW, Mr. BISHOP of Georgia, Mr. PETERSON of Minnesota, and Mr. MICHAUD):

H. Res. 97. A resolution providing for Operation Iraqi Freedom cost accountability; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, 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. PAYNE (for himself, Mr. WOLF, Mr. CAPUANO, Mr. LANTOS, Ms. LEE, Ms. WATSON, Ms. WATERS, Mr. MEEKS of New York, Mr. WATT, Mr. HASTINGS of Florida, Mr. CLYBURN, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. CLEAVER, Mr. SCOTT of Virginia, Ms. CLARKE, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. TOWNS, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. CLAY, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Ms. MILLENDER-MCDONALD, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. CONYERS, Mr. FATTAH, Mr. ELLISON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Alabama, Ms. KILPATRICK, Mr. RANGEL, Mr. CUMMINGS, Mr. SCOTT of Georgia, Ms. CARSON, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, and Mr. JACKSON of Illinois):

H. Res. 98. A resolution honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan; to the Committee on Foreign Affairs.

By Mr. SMITH of Nebraska (for himself, Mr. FORTENBERRY, and Mr. TERRY):

H. Res. 99. A resolution commending the University of Nebraska-Lincoln volleyball team for winning the NCAA Division I Women's Volleyball Championship; to the Committee on Education and Labor.

By Ms. SOLIS (for herself, Mr. BURTON of Indiana, Ms. LEE, Mr. LANTOS, and Mr. ENGEL):

H. Res. 100. A resolution expressing the sympathy of House of Representatives to the families of women and girls murdered in Guatemala and encouraging the Government of Guatemala to bring an end to these crimes; to the Committee on Foreign Affairs.

By Ms. WOOLSEY (for herself, Mr. GRIJALVA, Mr. MOORE of Kansas, Mr. OLVER, Mr. KENNEDY, Mr. STARK, Mr. HASTINGS of Florida, Mrs. CAPPS, Mr. MORAN of Virginia, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. UDALL of New Mexico, Ms. NORTON, Mrs. NAPOLITANO, Ms. WATERS, Mr. FARR, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Mr. CAPUANO, Ms. DELAURO, Mr. MILLER of North Carolina, Mr. WAXMAN, Mr. WEXLER, Ms. BALDWIN, Mr. BERMAN, Mr. FILNER, Mr. PASCRELL, Mr. MARKEY, Mr. ALLEN, Mr. KUCINICH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HERSETH, Ms. HARMAN, Mr. AL GREEN of Texas, Ms. ESHOO, Ms. MOORE of Wisconsin, Ms. SOLIS, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. FATTAH, and Ms. KAPTUR):

H. Res. 101. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MICHAUD, Mrs. WILSON of New Mexico, Mr. BACA, Mr. RUPPERSBERGER, Mr. ORTIZ, Mr. MATHESON, Mr. MCKEON, Mr. DANIEL E. LUNGREN of California, Mr. VAN HOLLEN, Mrs. TAUSCHER, Mr. HOLDEN, Mr. FRANK of Massachusetts, Mr. PICKERING, Mr. STUPAK, Mrs. BONO, and Mrs. CAPPS.

H.R. 22: Mr. FORBES, Mrs. BLACKBURN, and Mr. NEUGEBAUER.

H.R. 36: Mr. WALBERG.

H.R. 37: Mr. WALBERG.

H.R. 43: Mr. WYNN, Mr. HINOJOSA, Mrs. GILLIBRAND, and Mr. SIRES.

H.R. 44: Mr. HINOJOSA and Ms. JACKSON-LEE of Texas.

H.R. 45: Mr. HINOJOSA.

H.R. 65: Mr. HALL of Texas.

H.R. 81: Mr. BISHOP of Utah.

H.R. 82: Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BEAN, Mr. BURGESS, Mr. CALVERT, Mr. TOM DAVIS of Virginia, Mr. GARRETT of New Jersey, Mr. GOHMERT, Ms. GRANGER, Mr. HINCHEY, Mr. LAMPSON, Mr. LYNCH, Mr. MCCOTTER, Mr. MEEHAN, Mr. NEUGEBAUER, Mr. RENZI, Mr. ROGERS of Kentucky, Mr. SHAYS, Ms. SLAUGHTER, and Mr. YOUNG of Florida.

H.R. 91: Mr. YOUNG of Florida and Mr. FEENEY.

H.R. 92: Mr. SOUDER.

H.R. 111: Ms. KAPTUR, Mr. WALSH of New York, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. LARSON of Connecticut, Ms. BALDWIN, Mr. HONDA, Mr. BURTON of Indiana, Ms. NORTON, and Mr. BACA.

H.R. 131: Mr. GARY G. MILLER of California.

H.R. 132: Mr. GARY G. MILLER of California.

H.R. 133: Mr. GARY G. MILLER of California.

H.R. 134: Mr. GARY G. MILLER of California.

H.R. 137: Mr. LANGEVIN, Mr. HELLER, and Mr. HASTINGS of Washington.

H.R. 172: Mr. BUTTERFIELD and Mr. GRIJALVA.

H.R. 180: Mr. HOLT, Ms. JACKSON-LEE of Texas, and Mr. BUTTERFIELD.

H.R. 197: Mr. LIPINSKI, Ms. MATSUI, Ms. HIRONO, Mr. BAIRD, Mr. BUTTERFIELD, Mr. GOODE, Ms. MCCOLLUM of Minnesota, Mrs. GILLIBRAND, Mr. HINOJOSA, Mr. KUHL of New York, Mr. SCHIFF, Mr. ABERCROMBIE, Ms. SUTTON, Mr. FILNER, Mr. HOLT, Mr. ROSS, Mr. TERRY, Mr. DEFAZIO, Mr. PERLMUTTER, Mr. MILLER of North Carolina, Mr. ENGLISH of Pennsylvania, Mr. KIRK, Mr. BARTLETT of Maryland, Mr. MCHUGH, Mr. EHLERS, Mr. MCCOTTER, Mr. WELLER, Mr. LUCAS, and Ms. BERKLEY.

H.R. 207: Mr. LEWIS of Georgia and Mrs. MCCARTHY of New York.

H.R. 211: Mr. MCINTYRE.

H.R. 269: Mr. ALEXANDER, Mr. REICHERT, Mr. PETERSON of Pennsylvania, and Mr. KING of New York.

H.R. 278: Mr. VAN HOLLEN and Mr. HIGGINS.

H.R. 279: Mr. POE.

H.R. 289: Mr. JONES of North Carolina.

H.R. 303: Ms. GINNY BROWN-WAITE of Florida, Mr. DELAHUNT, and Mr. LOBIONDO.

H.R. 312: Mr. HARE.

H.R. 325: Mr. FORTUÑO.

H.R. 327: Mr. CUELLAR, Mr. DELAHUNT, Mr. LEVIN, Mr. BLUMENAUER, Mr. MANZULLO, and Mr. GORDON.

H.R. 346: Mr. HARE.

H.R. 353: Ms. MATSUI.

H.R. 359: Mr. JACKSON of Illinois.

H.R. 362: Mr. LIPINSKI, Mr. BAIRD, Ms. SLAUGHTER, Mr. HONDA, Mr. CLEAVER, Mr. VAN HOLLEN, Ms. Hirano, and Ms. MCCOLLUM of Minnesota.

H.R. 363: Mr. LIPINSKI, Mr. BAIRD, Ms. SLAUGHTER, Mr. HONDA, Mr. CLEAVER, Mr. VAN HOLLEN, Ms. HIRANO, and Ms. MCCOLLUM of Minnesota.

H.R. 365: Mrs. MYRICK, Mr. CHANDLER, Mr. WALDEN of Oregon, Mr. SMITH of Nebraska, Mr. ROTHMAN, Mr. CARNAHAN, and Mr. BAIRD.

H.R. 367: Mr. MARIO DIAZ-BALART of Florida.

H.R. 369: Mr. MCGOVERN.

H.R. 370: Mrs. CAPITO and Mr. SHUSTER.

H.R. 395: Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. MCINTYRE, Mr. HARE, Mr. BISHOP of New York, and Mr. COSTA.

H.R. 411: Mr. REICHERT, Mr. MICA, Mr. PAUL, Mr. CONAWAY, Mr. MILLER of Florida, Mr. WICKER, Mr. WAMP, Mrs. MCMORRIS RODGERS, Mr. NORWOOD, Mrs. JO ANN DAVIS of Virginia, and Mr. SENSENBRENNER.

H.R. 413: Mr. GRIJALVA, Mr. CAPUANO, and Mr. BLUMENAUER.

H.R. 418: Mr. REHBERG.

H.R. 439: Mr. LANTOS.

H.R. 471: Mrs. MYRICK, Mr. HUNTER, Mrs. GILLIBRAND, Mr. FORTENBERRY, Mr. CARNAHAN, Mr. MCHENRY, and Mr. WELDON of Florida.

H.R. 473: Mrs. JO ANN DAVIS of Virginia.

H.R. 493: Mr. MILLER of North Carolina, Ms. NORTON, Mr. PASCRELL, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Ms. HARMAN, Mr. LEWIS of Georgia, Mr. TOWNS, and Mr. HINCHEY.

H.R. 502: Mr. PASTOR.

H.R. 504: Mr. GINGREY, Mr. INGLIS of South Carolina, Mr. JONES of North Carolina, Mr. MARSHALL, Mr. BARRETT of South Carolina, and Mr. WILSON of South Carolina.

H.R. 507: Mr. BOOZMAN, Mr. WEXLER, Mr. CROWLEY, Mr. MCINTYRE, Mr. GRIJALVA, Mr. HINOJOSA, Ms. SHEA-PORTER, and Mr. MACK.

H.R. 508: Mr. MCNERNEY and Mr. LOEBSACK.

H.R. 521: Mr. MURTHA, Mr. HOLT, Mr. MICHAUD, Ms. MCCOLLUM of Minnesota, Mrs. DAVIS of California, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. PASCRELL, Mr. MORAN of Virginia, and Mr. KENNEDY.

H.R. 528: Mr. WAXMAN, Mr. MCGOVERN, Mr. GRIJALVA, Ms. NORTON, and Mrs. MALONEY of New York.

H.R. 539: Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. PASCRELL, Mr. FATTAH, Ms. CLARKE, Mr. MCNULTY, Mr. KENNEDY, Mr. STARK, Mr. MAHONEY of Florida, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Ms. BERKLEY, Ms. HIRONO, Mr. MELANCON, Mr. FARR, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Mr. BISHOP of New York, Ms. WATSON, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. SIRES, Mr. SCHIFF, Mr. VAN HOLLEN, Ms. DEGETTE, Mr. HASTINGS of Florida, Mr. SPRATT, Mr. DOGGETT, Ms. WOOLSEY, Ms. CASTOR, Mr. LAMPSON, Mr. INSLEE, Mr. RAHALL, Mr. WELCH of Vermont, Mr. ABERCROMBIE, Mr. CARDOZA, Mr. COHEN, Mr. PERLMUTTER, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. NEAL of Massachusetts, Mr. HINCHEY, Mr. KUHL of New York, Mr. DOYLE, Mrs. MCCARTHY of New York, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mr. BRADY of Pennsylvania, Mr. WOLF, Mr. COSTA, Ms. SUTTON, Mr. MILLER of North Carolina, Mr. PLATTS, Mrs. EMERSON, Mr. OLVER, Mr. GERLACH, Mr. CLEAVER, Ms. HARMAN, Mr. ACKERMAN, Mr. MEEHAN, and Ms. KAPTUR.

H.R. 548: Mrs. JONES of Ohio and Mr. KIND.

H.R. 549: Mr. EHLERS, Mr. NORWOOD, Mr. WOLF, Mr. MCHUGH, Mr. SHIMKUS, Mr. MANZULLO, Mr. UPTON, Mr. KLEIN of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BRALEY of Iowa, Mr. BOOZMAN, Mr. SHULER, Mr. ENGLISH of Pennsylvania, Mrs. JO ANN DAVIS of Virginia, Mr. KUHL of New York, and Mr. CUELLAR.

H.R. 563: Mr. DENT and Mr. CAMPBELL of California.

H.R. 566: Mr. MCDERMOTT.

H.R. 567: Mr. WYNN.

H.R. 570: Mr. UPTON.

H.R. 579: Mr. CALVERT, Mr. MCGOVERN, Ms. SCHWARTZ, Mr. KIND, Mr. LARSON of Connecticut, Mr. BISHOP of Georgia, and Mr. ALLEN.

H.R. 582: Ms. JACKSON-LEE of Texas.

H.R. 588: Mr. HARE.

H.R. 594: Mr. JACKSON of Illinois, Mrs. MCCARTHY of New York, Mr. FRANK of Massachusetts, and Mr. CARNEY.

H.R. 619: Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. SIRES, Mr. ALLEN, Mr. FILNER, and Ms. ZOE LOFGREN of California.

H.R. 620: Mr. SERRANO, Mr. LANTOS, Mr. MARKEY, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. HOLT, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. MCNULTY, and Mr. LARSON of Connecticut.

H.R. 645: Mr. BLUMENAUER.

H.J. Res. 1: Ms. GINNY BROWN-WAITE of Florida, Mr. ADERHOLT, and Mr. SULLIVAN.

H.J. Res. 3: Mrs. MYRICK.

H.J. Res. 14: Mr. FRANK of Massachusetts, Mr. PASCRELL, and Mr. BARTLETT of Maryland.

H.J. Res. 18: Mr. HARE.

H. Con. Res. 19: Ms. WATERS.

H. Con. Res. 20: Mr. WEXLER.

H. Con. Res. 21: Mr. MCCOTTER.

H. Con. Res. 25: Mr. KIRK, Mr. YOUNG of Florida, Mr. HOLDEN, Mr. SCOTT of Georgia, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 33: Mr. FRANK of Massachusetts and Mr. GRIJALVA.

H. Con. Res. 35: Ms. CARSON and Mr. WYNN.

H. Con. Res. 43: Mr. BLUMENAUER.

H. Res. 18: Mr. SIMPSON, Mrs. CAPITO, Mr. MCCAUL of Texas, Mr. BARTLETT of Maryland, and Mr. WELDON of Florida.

H. Res. 41: Mr. BISHOP of New York and Ms. MATSUI.

H. Res. 50: Mr. BOREN.

H. Res. 64: Mr. SAXTON.

H. Res. 76: Mr. COSTA, Mr. BERMAN, Ms. WOOLSEY, and Mr. UDALL of Colorado.

H. Res. 79: Mr. HUNTER, Mr. PATRICK MURPHY of Pennsylvania, Mrs. GILLIBRAND, and Mr. WALBERG.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, JANUARY 24, 2007 No. 14

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

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

Let us pray.

Move deeply in our hearts today, O Lord, so that we will conform to Your ways. Help us to understand Your purposes and submit to Your providence.

Empower our lawmakers to do Your will. Make them hungry and thirsty for Your spirit and power. Show them Your plan. Teach them Your paths. Instruct them on how to make our world a better place so that the sacrifices of those who die for our freedoms will not be in vain.

Open doors of greater opportunity for service as our Senators seek to be instruments for Your glory. May pleasing You become the primary aim of their labors. We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 24, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE 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, morning business this morning will not be the full hour. When the Republican leader and I complete our brief statements to the body, the time will be divided 50–50, with the first half of the time being controlled by the Democrats and the second half of the time being controlled by the Republicans.

At 10:30, we will resume consideration of H.R. 2, the minimum wage bill. The time until 11:30 will be equally divided or controlled between the two leaders or their designees regarding the Gregg amendment. The cloture vote will occur at 11:30.

ORDER OF PROCEDURE

I ask unanimous consent that the majority time prior to the cloture vote with respect to the Gregg amendment be equally divided between Senators CONRAD and KENNEDY, and I also indicate that following the cloture vote, if cloture is not invoked on the Gregg amendment, there will be an immediate vote on the motion to invoke cloture on H.R. 2, the minimum wage bill. Members have until 10:30 this morning to file second-degree amendments.

Progress was made yesterday. The Sessions amendments were disposed of—voted upon, modified, or withdrawn. That was good progress. There are seven amendments pending presently. As I recall, there are three by Senator ENSIGN, most dealing with Social Security; Senator BUNNING has one dealing with Social Security; Senator KYL has one dealing with depreciation; Senator SUNUNU has one dealing with women's business centers. I think those are the only amendments now pending. So we ask that Senators continue to work through this bill. We are going to agree to set aside the pending amendments so Senators can offer other amendments so we can move through this bill as quickly as possible.

I hope Senators realize there must come an end to this process. We will see what happens after the two cloture votes as to what we will do for the rest of the week.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINISHING H.R. 2

Mr. MCCONNELL. Mr. President, we encourage all Members who may have amendments on this side to come down. As the majority leader indicated, we will make progress on the bill this morning, and we look forward to finishing this bill some time in the future.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction

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

Printed on recycled paper.

of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the minority leader or his designee.

The Senator from Illinois is recognized.

ENERGY

Mr. DURBIN. Mr. President, last night in the State of the Union Address, President Bush, for the seventh year running, raised the issue of energy. I am glad he did because I think everybody across America understands we are in a dangerous position. We are entirely dependent upon imports from foreign countries when it comes to our energy needs and our economy.

It is true that we produce our own oil and gas in this country, but we don't produce enough to fuel our economy. So we find ourselves buying oil from countries far and wide across the globe. We find ourselves in positions where we are compromised sometimes by that dependence. Many of us have felt that the President's first goal or task should be to establish the reduction of our dependence upon foreign oil. I think that is a worthy goal and one I wish the President had quantified last night a little more specifically than he did.

The reason, of course, is if we can find a way to reduce dependence upon foreign oil, for example, we might have several positive impacts: first, not entangling ourselves in the foreign policy goals of countries we don't share many values with; second, it is good for our security interests to have sources of fuel that are reliable closer to home; third, of course, we are dealing with an environmental issue here. The more gasoline we burn to move a mile or two miles down the road, the more emissions and the more global warming; the more global warming, the more climate change and a disastrous environmental impact.

So many of us believe that though the President continues to refer to the problem, he has never quite moved us as we would like in the direction of a solution.

Last night, he said two things that were more encouraging. As I said, this is the seventh year the President has brought up the issue. He made a famous statement last year about America's addiction to oil. In the ensuing 12 months, we did little or nothing in Washington to address that addiction.

Assuming the same addiction today, the President said we should move toward alternative fuels, which I heartily support, not just biofuels, such as ethanol and biodiesel, but other alternative fuels that could make a big difference in the way we drive our cars, heat our homes, and fuel our businesses.

The second issue the President talked about, which is long overdue, is addressing the CAFE standards. These, of course, were standards created in 1975 by Congress. At the time, we knew we had a problem. The problem was obvious—that we had too much dependence on foreign oil and prices were going up. By today's standards, they were not going up that high, but by the standards of those days they were.

In addition, the cars and trucks we were driving were inefficient. In fact, the average miles per gallon in 1975 for cars and trucks was about 13, 14 miles per gallon. At that point, Congress worked up the courage, with the cooperation of the President, to set a new goal and said that in 10 years, we will virtually double the fuel efficiency of the cars and trucks in America.

The negotiations got underway, and they decided to exempt trucks—we will go after cars and we will go after the fleet average of cars.

It worked. In a span of 10 years, we went from 13 or 14 miles a gallon average mileage to 27, 28 miles a gallon. So we clearly showed that when given incentives and mandates, the automobile manufacturers could respond with a product that was more fuel efficient.

What happened after 1985, after we hit the 27, 28 miles a gallon average? We did nothing. For 21 straight years, we did nothing. What happened in addition, that little loophole we created for trucks, letting them off the hook, the SUVs drove right through it. They produced these big, heavy vehicles that became extremely popular with Americans. They classified them as trucks, and they had no requirements to be fuel efficient. So the overall use of gasoline continued to increase, and the overall efficiency of the cars and trucks we drive went down as more and more SUVs and trucks were built that were exempt from the CAFE standards. Twenty-one years passed and things got progressively worse as we imported more and more fuel—dramatically more and more fuel—to burn in cars and trucks that were significantly more inefficient than those we had in 1985.

I have tried, on the floor of this Senate, three different times to reimpose CAFE standards on cars and trucks, to close loopholes and to move us back in the direction of more efficient cars and trucks, and I failed every time. Maybe things have changed. I credit a lot of people for this new debate.

What troubled me last night was the President, I felt, acknowledged the energy issue but gave scant attention to the environmental aspect. It is true that most of us understand we are going through a climate change in America. If you have seen Al Gore's documentary ''An Inconvenient Truth,'' he documents and brings the facts forward to make the argument that this climate change is changing the world we live in on a permanent basis.

I recently returned from an official trip with my colleagues to South America, where leaders in that region of the world said, when asked, they saw ample evidence of climate change—glacier melt and changes in things they thought would never change. We have seen it in America. We have seen it in the weather we find in different regions of our country, the extremes which we have witnessed and experienced.

My point is I hope we can take the President's invitation in his speech last night to the next level. I hope we can start talking about an energy policy that does make sense. The starting point ought to be a realistic goal for reducing our dependence on foreign oil. We ought to understand, if we can move forward with more efficient cars and trucks, give consumers in America more choices, that they will, given those choices, make the right choice, time and again.

Sadly, the production of these fuel-efficient cars has been led by foreign manufacturers and not by the United States. That has to come to an end.

I might say, although I support biofuels, ethanol, and biodiesel, although I believe flexible fuel vehicles are sensible for people to own and drive, it is not enough, and we shouldn't delude ourselves into believing it is enough. We need to move toward those hybrid vehicles that truly burn less fuel and move people in America to the places they need to go. We can do that, but we need to move in a sensible way.

Let me give two examples. There are two companies in my State of Illinois. One is Firefly. Firefly is a spinoff of Caterpillar Tractor company. It is an independent company that is trying to design a new battery for cars and trucks. The lead-acid battery, which most use today, is ancient and heavy and inefficient and in extreme temperatures doesn't work well. They are investing in research to find a new battery that is lighter and has a longer life. I don't know if theirs will be the breakthrough technology, but we need to encourage companies such as Firefly to develop the new batteries that can lead to better hybrid cars and more fuel efficiency.

Secondly, one of the biggest problems we have with fuel efficiency is the weight of the vehicle. If we can reduce the weight of the vehicle without compromising safety, we can get more fuel efficiency. I happen to have another company in Illinois—I am certainly proud of my State and what we do; these happen to be two companies relevant to the discussion—this company in Illinois has now a new titanium alloy that can be derived at a much lower cost.

Titanium holds the promise of being stronger than steel and lighter than aluminum. So this could be the answer to a car chassis that is safe and lighter. Combining those two items might offer a prospect for a vehicle in the future which would be much more fuel efficient.

Why aren't we promoting companies such as those companies? If we truly

want to reach energy independence and energy inefficiency, we need to move beyond where we are today. We need to move the discussion. We need to say to automobile manufacturers that it isn't good enough to keep producing those SUVs and trucks, fuel-inefficient vehicles, and giving consumers fewer choices. It isn't enough to always come in second to the Japanese, when it comes to production of newer and forward looking technology. It isn't enough to let the airline and airplane industry look for these new alloys and new batteries and ignore their need for our automobile industry as well.

The President has pointed us in the right direction. I hope that now he will join us. We need to cooperate. We need to work together, Republicans and Democrats—give some ground, if necessary, but keep our eye on that goal to clean up this environment for our kids, reduce our dependence on foreign oil, push the kind of technology and innovation that will create great new American companies with great new American jobs that pay a decent income to those who work there.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, in each State of the Union Address that President Bush has given to our country over the last 6 years, he has talked about the importance of energy independence for our Nation.

In 2001, he said loudly and clearly that we as America ''must become more energy independent.''

In 2002, he said:

> We need to encourage conservation, promote technology, and build infrastructure.

And again last year, most of us remember the President loudly and clearly telling the people of America, the people of this world, that America is addicted to oil and we need to do something about it.

I was pleased last night that the President revisited an issue he had talked about before—our energy independence. In my view, this is a signature issue for all of us in the 21st century. Encompassed in this issue of energy security for our Nation, we see the national security of America because today the way we approach the energy issue, where we now import 70 percent of our oil from foreign countries, we end up funding both ends of the war on terror. We do it when we put gasoline in our tanks in America and it ends up funding Iran and Iran ends up buying the rockets for Hezbollah that rain over Israel and funds the 10,000 members of the Hezbollah militia. That is crazy. So our national security requires us to move forward with energy independence.

As far as our economic independence at home, we saw what happened when gasoline went up over $3 a gallon, when farmers and ranchers were suffering, having to pay $3.50 a gallon for diesel to fill up their tractors, their combines, and their trucks. We know the economic security of our country depends on having a steady supply of energy.

Finally, the environmental security of our country, knowing what global warming is doing to the North Pole and to the climate changes all around the world, is something we need to get our hands around. We need to deal with the energy issue in an effective way.

So I was pleased that the President of the United States last night came before the Congress and the Nation and said we needed to do some more work on energy. He said we needed to more than double, we need to quintuple the renewable fuel standard, which hopefully will get us to the 35 million gallons per day in 10 years. And he said we need to reduce the gasoline we are currently using in this country in 10 years by 20 percent.

At the end of the day, what we do on energy will depend on how we take those concepts and how we, with the President, walk the talk toward getting us to energy independence.

When we look back on what has happened in the last 6 years in the United States, the opposite has happened. Instead of becoming less dependent on foreign sources of oil, we have become more dependent on foreign sources of oil. So the rhetoric simply has not matched the deeds. We need to make sure the words that were spoken last night are matched by the deeds of the administration in terms of the budget, the leadership of the Department of Energy in investing in technology, in the National Renewable Energy Lab, and moving forward with an aggressive agenda on renewable energy and new technologies.

I wish to illustrate two points that tell the history of what has happened over the last 6 years in Washington. First, with respect to renewable energy investments, if one takes a look at this chart, 2001 to 2006, one would think, as we were on this trajectory of getting ourselves energy independent, that this red line would show us increasing investments in renewable energy in America. And yet the exact opposite has happened.

We started in 2001 investing about $350 million a year into renewable energy. By the time we got to 2006, we were at about $375 million. So we actually dropped about $25 million in what we were investing in renewable energies. This is not walking the talk as we embrace the future of renewable energy.

I would like to illustrate what we have done with efficiency. We talk about energy independence. We know it is a complex issue, but frankly, as my good friend from Tennessee and others know, it is not as complex as some of the other issues we face in America today. It certainly is not as complex, in my mind, as the health care issue which dogs the businesses and families of America every day because we know how we can get to energy independence.

If the country of Brazil, a Third World country, could declare itself to be energy independent, why not the most powerful Nation on Earth, the Nation with the greatest technology? Why couldn't we have done the same thing? The answer to that is that we have not had a sustained commitment to get us to energy independence.

If we look at the low-hanging fruit with respect to energy efficiency, we again see the story of our walking away from embracing a true ethic of energy independence. If we look at the investments that have been made from 2001 to 2006, we see a dramatic decline, again, in terms of what we are doing with energy efficiency. That is not the way to go. It is the wrong way to go because the experts and scientists at the Department of Energy, the National Renewable Energy Lab tell us that we waste about 62 percent of the energy we consume. We waste 62 percent of the energy that we consume. So if we can become much more efficient with respect to how we use energy, we can help deal with this issue of energy dependence, which is essentially strangling our economy and strangling our national security.

As I react to the President's State of the Union Address, I am delighted with the fact that he has given us this challenge. Now we need to work as a Congress and have the administration work with us so we are able to put the resources and the ideas on the table to come up with what is truly a bipartisan package that will help us move forward with the kind of energy independence that is achievable.

In my view, we can be even bolder and go beyond what the President has said. There is a group of Senators in this Chamber—some 25 of us, half Republicans, half Democrats—that last year sponsored legislation called 2025. This year it has another number. We talk about alternative fuels and how we incentivize moving forward with alternative fuels. We have in the Senate as well incentives for higher efficiencies and how we use oil. Our goal in that legislation is to reduce the consumption in the imports of oil in a very dramatic fashion by the year 2016 and then beyond, by the year 2026. It is a bipartisan agenda.

At the end of the day, and in conclusion, we have an opportunity to work together as a Senate, as a Congress, by bringing Republicans and Democrats together to achieve true energy independence and surpass even the President's vision of what we can do. When you think about Senators such as SESSIONS and BROWNBACK and then on the Democratic side BAYH and LIEBERMAN, a whole host of us who are involved in the set America free agenda, it is an important opportunity we have to move forward. But, at the end of the day, the way we will achieve this milestone of energy independence for our country, which is so essential, is by making sure the administration itself, the President of the United States,

walks the talk in terms of what we can do to achieve this goal of energy independence.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to be allowed to speak for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Will the Chair please let me know when I have a minute remaining?

The ACTING PRESIDENT pro tempore. The Chair will do so.

STATE OF THE UNION AND WASTEFUL SPENDING

Mr. ALEXANDER. Mr. President, I wish to talk about two things this morning: No. 1, the President's State of the Union Address last night, and No. 2, Senator GREGG's proposal to reduce wasteful spending.

I appreciate the comments of the Senator from Colorado, who has been a leader on renewable energy and energy independence. I want to point this out. The President last night did his job. It was a truly Presidential speech, in my opinion. I used to work in the White House, and a wise man there told me: Lamar, our job here on the White House staff is to consider everything that comes to the White House as important. We need to push those things out and reserve for the President those things which are truly Presidential.

The President talked about truly Presidential issues last night, and he did what Presidents are supposed to do. He did not give us a laundry list. He talked about Iraq, terrorism, energy independence, and health care costs. He said: Pick up immigration and deal with it. He said reduce the budget in 5 years. He gave us a strategy in each case, he tried to persuade us that he is right, and then he handed the ball to us.

We are independent of the President. We have a Democratic Congress, closely divided, and a Republican President, so I don't think we can criticize the President. I think we should applaud the President and say: Mr. President, you did your job. You identified the issues, you gave us a strategy, and you handed the ball to us.

The biggest news last night, it seemed to me, was on energy independence and health care costs. Starting with energy independence, the President said let's set a goal to reduce our use of gasoline 20 percent in 10 years. That is a big, serious proposal. This country uses 25 percent of all the energy in the world. If we reduce our use of gasoline by 20 percent in 10 years, it will help clean the air, it will help reduce dependence on foreign oil, it will create a big market for agricultural products in this country to help create biodiesel alternative fuels, and it will force innovation in such things as electric batteries.

The President's proposals will require a change in the so-called fuel efficiency CAFE standards. It will require these new technologies. It is a big step, and it is the kind of thing that Democrats as well as Republicans can take, improve, and pass. We don't need to be saying to the President: Mr. President, you walk the walk. He talked. Now it is up to us to act.

The same with health care. His proposal on health care is a big, serious proposal. There is probably no subject Tennesseans talk to me about more in their daily lives than: How do I pay for my health care costs? The President had an answer last night. He said: For 80 percent of working Americans, I will give you an average of $3,600 in savings from your taxes which you can spend to buy yourself health care insurance. That means if you are a family of four, making $60,000 a year, you might have $4,000 or $5,000 in tax savings to use to pay for health care costs.

Now, 20 percent of us would pay a little more for health care. Mine would go up. But 80 percent of all of us who work would get significant savings to pay for health care insurance. This would help us afford it. This would help more people who do not have it pay for it. This would help hospitals whose emergency rooms fill up with people who cannot pay for health care. It is a big, serious proposal.

The President has done his job. It is up to us now to have a hearing, improve it, and enact it.

I salute the President for doing his job last night with what I felt was a truly Presidential speech. Much of it was about Iraq. Iraq is being talked about today in many different bodies, but much of it is about what is happening at home. If we take up immigration and don't stop until we are finished, if we balance the budget in 5 years, if we reduce the amount of oil we are using by 20 percent in 10 years, if we give 80 percent of working Americans several thousand dollars to help pay for health care insurance, that will be a great big step forward. So it is up to us, now, to pick up the ball and run with it. He has handed it to us. Let's go. Let's talk about it. Let's do it. If we have a better idea, fine; if not, let's just pass his proposal.

Second, I wish to speak for just a moment about the proposal of Senator GREGG that would give the President a new tool for cutting wasteful spending. I believe it should have been enacted with our reforms last week on lobby reform because it would help rein in wasteful spending and earmark abuse. But I commend Senator MCCONNELL and Senator GREGG, and I thank Senator REID for working it out so we can have a vote on this important amendment.

We need to get our fiscal house in order. Yesterday, 25 of us attended a breakfast. The Chair and I were there. It wasn't a breakfast where we talked about how Democrats could beat Republicans and vice versa; we talked about how we can put our fiscal house in order. The Presiding Officer had some very good ideas to express, but the whole 40 minutes was about the unsustainable growth of Federal spending here, especially in the entitlement area. There are several things we need to do about it, but this amendment by Senator GREGG is one. It is not the same thing as a line-item veto, but it goes in that direction.

I would support amending the Constitution to give the President a line-item veto. I don't think that is in derogation of our authority to appropriate. The Supreme Court thinks it does that, so we have to respect that. But this is a little different way to let the President have a way of letting us take a second look at appropriations we passed which may not have been wise.

Under current law, the President has the power, for example, to propose cuts in spending after appropriations bills have been passed by Congress. Then we can pass those cuts in the same form and send them back or we can ignore them. So the idea would be, under the Gregg amendment, that the President could submit four packages of rescission proposals each year. We couldn't ignore the proposals. We would have to vote on them in a short period of time, if any Member wanted us to. If the majority of the Senate and the House agreed with the President's recommendations for cutting spending, then the spending or targeted tax breaks would get cut and the money would be used to reduce the deficit. But if a simple majority of either House disagreed, then the cuts would not go into effect.

It is pretty much the same amendment Senator Daschle and Senator BYRD offered in 1995, which was supported by 21 of my Democratic colleagues who are still serving in the Senate. It is not the same thing as the traditional line-item veto, but it is an opportunity to put the spotlight on wasteful spending.

Senator GREGG went one step further to make his amendment more closely reflect the Daschle-Byrd proposal. Senator GREGG's amendment allows us in the Congress, if the President makes a rescission proposal, to strike out an individual part of his proposal. There are plenty of forces here in this city for increasing spending. There are not enough forces that push to reduce spending. The Gregg proposal would be one tool the President and the Congress can use to reduce spending.

I know when I was Governor I had this authority and 43 Governors currently have the line-item veto. In Tennessee, it is not much of a line-item veto because the Governor's veto can be overridden by a majority of the legislature. But just because I had the veto and the fact that I might have used it, and occasionally did use it, helped me put the spotlight on wasteful spending and gave the legislature a

chance to reconsider or think twice about what they might do.

As a new member of the Senate Appropriations Committee, I can assure my colleagues, I don't take lightly proposals to alter the Congress's power of the purse. For Congress to appropriate is as natural as for Johnny Cash to sing or for the President to nominate Supreme Court Justices. But I don't think this interferes with that because both the Senate and House must vote to adopt the President's proposed cuts; second, we can strike portions of his proposed cuts; and third, the power to do all this would sunset after 4 years, giving us in the Congress a chance to evaluate how well it is working.

There are some other things I think we can do. A biennial budget would help. Passing a 2-year budget, so we can focus all of the first year on the budget and all the next year on oversight over programs to help them work better, avoid duplication, and get rid of some programs—all of that would help control spending. We also ought to have a commission on accountability and review of Federal agencies, which would help reorganize duplicative and unnecessary programs.

I am honored to sponsor the Gregg second look at waste amendment because it gives the President and the Congress one tool to reduce wasteful spending at a time when we urgently need to do that and the country knows that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand we are in morning business at this time?

The ACTING PRESIDENT pro tempore. The Senator is correct.

SECOND LOOK AT WASTE

Mr. GREGG. Mr. President, I rise to thank the Senator from Tennessee for his support at this second look at waste amendment which I have offered. The Senator's arguments, as always, are extraordinarily cogent and logical. He makes the point—which I think is very valid, as a former Governor who had the line-item veto, which is a much stronger authority than what we have in this amendment—that this is important, managing the fiscal house, to making sure that items which get into legislation as a result of being put in arbitrarily by some individual Member of Congress but which are not subject to the light of day in the traditional way—by being brought across the floor as individual items but, rather, are put into major pieces of legislation, sometimes representing hundreds of billions of dollars in spending—that those items can be reviewed again and get a vote as to their credibility and as to their appropriateness and whether they represent something on which American tax dollars should be spent.

This proposal, this fast-track rescission, which is what it really is, is not a partisan proposal. In fact, as proposed in my amendment, second look at waste, it would actually be primarily under the control of the next President. It has a 4-year window of activity and then it is sunsetted. By the time it would get into law, should it pass the Senate and then pass the House, it is likely that this President will only have, probably, a year and a half to use this authority, and then the next President, whoever that President may be—maybe a Republican, maybe a Democrat—will have the authority to use this rescission ability for 2½ years. So it is not partisan.

Second, it was drafted, as the Senator from Tennessee noted, basically to mirror a proposal that was put forward by Senator Daschle. In fact, I have called this amendment daughter of Daschle. It is essentially the Daschle amendment as offered back in 1995, which was cosponsored by Senator BYRD. There are only two major changes—well, three major changes, and I have already said to those who have asked me that I am willing to adjust those changes to bring it even more in line with Daschle.

One of the changes in this bill from the Daschle bill was that the President would have 300 days to send up his rescission notice. Some people have expressed concern that that gives the President the ability to use that rescission notice as a club over people's heads. The reason we gave the President 300 days in this amendment was we had reduced the number of rescission notices in the Daschle amendment. There were potentially 13 rescission actions available to the President, and in this amendment, there are only 4 available to the President. Therefore, in the Daschle amendment, it was required that the rescission notice be sent up soon after the bill was signed. But, of course, with 13 different opportunities, it could go on all year long. We felt that since we were reducing it to four, we should give the President more leeway as to when he sent up those rescission notices.

But I can understand the argument. In fact, I accept the argument that maybe that is too much authority in the sense it gives the President too much leverage over the Congress. So when, I hope—I am using the term ''when''—when this amendment comes forward in an amendable form, I will offer an amendment to reduce the 300 days back to 30 days. So the President would have to send up his rescission notices within 30 days of it being signed, or at least asking us to take a second look at it, and that should adjust that problem and bring it directly in line, pretty much in line with what the Daschle amendment was originally.

The other area which was different from the Daschle amendment is the issue that deals with mandatory spending. Some people have said new mandatory spending—not existing programs, not existing veterans programs or farm programs or Medicare or Medicaid, but if there is a new mandatory program, that can also be subjected to the President asking for a second look at it. It has been argued by some on the other side that this would undermine the ability to reach a comprehensive settlement on entitlement reform. That is really a straw argument. That argument has no legs.

The practical matter is, if a President reaches an agreement with the Congress on something as extraordinarily important as major entitlement reform, part of that agreement is going to be that the President signed off on it. So this argument of, well, but the President might come back and change it later on with a rescission notice really has no legs. It is just being made for the purpose of giving comfort to folks who believe they want to vote against this amendment. If people want to vote against it, that is their right. But don't use that as an excuse.

What this amendment essentially does is it allows the Congress to fulfill its obligation to make sure that money which is sent by our taxpayers is spent effectively, honestly, appropriately, and without waste. And, it gives the executive branch a role in asking the question of Congress: Did you really mean to spend this money?

I have to say, I have been here for a while—14 years in the Senate—and I have seen a lot of bills come across this floor which were fairly large, and when I took a look at them after I maybe had voted for it, I realized there were some things in them that I wished weren't in them. I didn't happen to vote for the highway bill which had the bridge to nowhere—the famous highway bill. But had I voted for it, I think I would have wanted to take a second look at some of the projects in that bill.

The same is true of a lot of our appropriations bills when we get to the end of the year and we haven't gotten our appropriations process completed effectively, so we lump 3 or 4 different appropriations bills, sometimes 5 or 6, occasionally 10, appropriations bills into 1 and we call it an Omnibus appropriations bill. Those bills tend to get items in them which have received no scrutiny, which are simply the result of an earmark for the purpose of accomplishing something which some Member of the Senate or the House feels is appropriate but which one suspects, if the entire House or the Senate were to take a look at, we would say: Well, better to put that money toward reducing the deficit than toward spending the money in this specific area.

So this bill is, as I have said and as the Senator from Tennessee so eloquently said, a second look at waste. The purpose is to give us, the Congress, another tool to manage waste.

Now, I wish it had come up last week because, quite honestly, I thought it was much more appropriate to last week's debate when we were debating earmarks and when about 50 percent of the debate time was spent on earmarks

because that is what it is really about. But it has now been put on this bill as a result of an agreement I reached with the Senator from Nevada, the majority leader. I respected his position. I admire his leadership. I didn't want to create a situation where the lobbying bill got tied up forever over this issue, and the Senator from West Virginia said he would do that if I kept this amendment on the lobbying bill. So I agreed to put the amendment off and bring it forward at this time. So, hopefully, no one, when we get to this issue of cloture, is going to vote against cloture on the theory that it is not appropriate to this bill because, as I said earlier, I think people are stopped from making that position. It is a technical legal term that basically says, out of fairness: You can't make that case because, basically, the reason this amendment is on this bill is because I was asked to put it on this bill by the majority leader. Therefore, that is why we are going forward at this time.

So this is going to be the opportunity for Members of the Senate to vote on whether they believe a tool which will significantly improve our capacity to manage earmarks, to manage waste, is going to have a chance to be passed. It is a tool which has been offered by myself but which was actually offered by Senator Daschle and which was actually voted for by 37 members of the Democratic Party at that time, 20 of whom are still serving in the Senate. So it does seem to me that it is not unreasonable to ask that we take it up and pass it at this time and move it forward.

When we get to the cloture debate, I will have more to say on the matter, but I did want to come down and express my appreciation to the Senator from Tennessee for supporting the amendment.

Mr. ALEXANDER. Mr. President, I wonder if the Senator from New Hampshire would allow me to ask him a question or two.

Mr. GREGG. Of course.

Mr. ALEXANDER. Mr. President, the Senator from New Hampshire was Governor, as I was, and my sense of this amendment is that it understands human nature pretty well. Is it not the Senator's experience as Governor, and as a member of the Appropriations Committee for a long time, that sometimes items slip through, and that the idea here would be for the President to be able to just send it back to Congress and say: Don't you want to take a second look at this before you actually spend taxpayers' money? Is that not the general idea that is expressed by this amendment?

Mr. GREGG. I thank the Senator for his question. He is absolutely right. The essence of his question is that the power is retained with the legislative branch. This is not a line-item veto. This is not a veto. This is just the President saying to us, the legislators who have the power of the purse, take another look at this, which is why Senator BYRD supported it the last time it was on the floor of the Senate.

Mr. ALEXANDER. If the President sends a package of proposals back and asks: Do you really want to spend this money, and if a majority of the Senate decides that it did, and a majority of the House decides that it didn't, what happens then?

Mr. GREGG. Well, answering the Senator through the Chair, then the money gets spent. If either House does not agree with the rescission, then the rescission fails. So the power of the legislative branch is retained, which is its constitutional authority, to spend money as it deems appropriate, and the President has no capacity to override that under this bill. All he has is the capacity to say to the legislative branch: Do you think you want to do this? If either House says, yes, we do, then the money is spent.

Mr. ALEXANDER. One final question, Mr. President. Does the Senator from New Hampshire believe that Federal spending is one of the most difficult challenges we have here and is a matter that will need a bipartisan approach? And that we need to employ all the reasonable tools that we can to try to bring Federal spending under control? Otherwise, we are going to create a massive crisis for our children and our grandchildren, and this proposal would be one such reasonable tool.

Mr. GREGG. I thank the Senator from Tennessee for his question, which may have been rhetorical, and certainly I agree with that. To put this in context, we have to remember we are going to spend close to $3 trillion—we probably will spend $3 trillion this year in the appropriating accounts and in our budgets. There is no way we can manage all that efficiently, but certainly every tool that we can get that helps us manage it efficiently we should have. This is just another tool in the tool box to make sure we don't waste the taxpayers' money.

Mr. ALEXANDER. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

STATE OF THE UNION ADDRESS

Mr. BOND. Mr. President, today I rise to talk about a portion of the President's address last night that I think is extremely important. I have heard from many of my colleagues in this body and on the talk shows that there are serious concerns about the war in Iraq. Primarily, they are saying we need to change our strategy; we shouldn't be involved in a civil war. We should be involving the Iraqis themselves in taking care of the civil war. We ought to be providing more—we ought to ensure the Iraqi Government cuts the Sunnis in on the oil revenues and makes them full economic partners. We need to bring in the friendly neighbors in the region, those countries that want to see a peaceful and stable Iraq, and we ought to be following the Baker-Hamilton report.

As I listened to the President's speech last night, that is precisely what he did. This is a new strategy we have in Iraq. We have heard in our open Intelligence Committee hearings that now, for the first time, we believe Prime Minister al-Maliki and his Sunni and Kurdish fellow elected leaders believe they can take over and restore order in that country, and they are willing to crack down on the Shia death squads, such as Muqtada al-Sadr. We have seen reports of that in the media. They report that the neighboring countries are willing now to come in and help with reconstruction, provide job opportunities for young unemployed men to keep them from becoming insurgents or terrorists, and this, they say, is our best chance.

Frankly, for Prime Minister al-Maliki and his government, this is probably their last chance. This is an opportunity where al-Maliki said: If you will provide some additional support as we go in, get our troops up to speed and clear and hold Baghdad, we will take over the country.

That is what we need to do to bring a successful conclusion to this war and to draw out our military. We are probably going to have our military in the region for a long time because, as the President said, this is a generational war against radical Islam and the terror they bring.

I wanted to just briefly note a comment. Last night we heard that the military is against the war. Well, there may be some in the military who are against the war, but I can tell my colleagues, I have spent a lot of time listening to Missouri soldiers and marines, people who have been on the ground. I have gotten reports from them continually. I have seen newspaper reports about the people who have come back, the soldiers who have come back.

For example, one woman has written a book. She served with the Army's 101st Airborne. She lost her husband in the war. She says:

> It is hard to stay positive about Iraq because of what you see on the news. But I was able to be there and I know what a difference we are making there.

Others, such as 1SG Stephanie Leonard, was moved to tears, saying that they are heroes for helping the Iraqi people. She said:

> It is not a 24-hour war. We want things to be in a hurry. As soon as the Iraqi police are able to secure their own country, that is when the window begins to open.

These are just some of the many comments I have seen in print in Missouri and heard people express. They want to see us win. They know they are doing the job. They believe the liberal national media has painted a very unflattering and untrue picture, and that is why our troops think they are not getting a fair shake.

But in that context, in the context of what the President did, let's talk about

the resolutions which are being discussed. If the President is on the track to respond to all of the ideas about how we ought to change our direction in Iraq—and I believe he is—what will the resolutions do?

Well, proponents of the resolutions say they want to support the troops, but the resolutions don't do that. Clearly, I believe there is an agreement now that we are not going to try to use the congressional power of the purse to cut off funding and force an immediate withdrawal from Iraq because that would be madness. The Director of National Intelligence told our committee:

> Precipitous withdrawal could lead to a collapse of the government of that country and a collapse of their security forces because we simply don't think they are ready to take over, to assume full control of their fiscal responsibilities.

To simply withdraw now would have catastrophic effects, and that is a quite widely held view inside of Iraq itself. If we were to cut off funds, the CIA Director said it would lead, No. 1, to increased killing of Iraqi civilians.

No. 2, the establishment by al-Zawahiri and Osama bin Laden of the base of operations for their war to establish a worldwide caliphate beginning in the Middle East, taking over the areas of Iraq which would be out of control and would bring people in from other countries in a possible civil war.

If we remember, that is what happened in Vietnam. When Congress cut off the purse, we saw our allies slaughtered in Vietnam, and some 2 to 2.5 million people in Cambodia, Laos, and Vietnam were killed. A possible slaughter of people in the Middle East who have supported us would ensue.

General Maples, the Director of the Defense Intelligence Agency, told our committee 2 weeks ago:

> . . . A failure in Iraq would empower the jihadist movement. It would give that base of operations from which the jihadist movement would extend. And it's consistent with the goals of Al Qaida in Iraq to establish that Islamic state, and then to expand it into the caliphate. I also think that there, of course, will be very significant regional impacts both in terms of stability to other countries—

I ask unanimous consent to speak an additional 4 minutes.

Mr. GREGG. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER (Mr. TESTER). The time for morning business has expired.

Mr. GREGG. The Senator from Missouri is asking for 4 additional minutes?

Mr. BOND. I ask for 4 additional minutes.

Mr. GREGG. I have no objection to the Senator proceeding.

The PRESIDING OFFICER. Without objection, it is so ordered. It will be charged against the minority side.

Mr. BOND. General Maples also told the Senate Intelligence Committee that a withdrawal from Iraq could leave Iraq's vast oil reserves in the hands of jihadists. We can imagine what trouble that would lead to.

If we are not using our power to cut off the funds and force a hasty withdrawal, what are we doing? Are we telling the 21,000 brave men and women who are going to Iraq we are uncomfortable with the dangerous mission they are about to undertake but not offering any alternative? I am sure they will find that very encouraging. They will be delighted to know we don't like what they are doing but they will have to do it anyhow.

If the goal of the resolution is to let the American people know we are uncomfortable with the situation in Iraq, I guess that makes for good politics. But, personally, I think it is wrong and irresponsible. It is irresponsible because if we approve this resolution, the whole world will be listening, including the worst actors in Iraq. We will be telling the Sunni terror cells and the Shia militias that America's political will is wavering.

If the members of al-Qaida in Iraq are finding themselves discouraged by the United States military's relentless pursuit, I am sure they will take comfort from these political gestures. If the Iraqis who support and encourage the Shia death squads are feeling the heat of United States-led and supported operations and are contemplating a compromise that might bring sectarian killing to an end, I am sure they will take comfort from the political gesture to hold on a little longer.

One of the keys to a successful counterinsurgency campaign is to wear down the enemy's resolve. This resolution will do the opposite. It will encourage Sunni terrorists and Shia death squads, letting them know if they hang on longer, the United States will not have the political will to outlast them.

One of the ironies of the resolution is that it condemns a recommendation that comes from a group the Senate requested in legislation. The Iraq Study Group's report recommended that the Iraqi government:

> . . . accelerate assuming responsibility for Iraqi security by increasing the number and quality of Iraqi Army brigades. While this process is underway, and to facilitate it, the United States should significantly increase the number of U.S. military personnel, including combat troops, imbedded in and supporting Iraqi Army units. As these actions proceed, U.S. combat forces could begin to move out of Iraq.

So let me make sure I have this right. The Senate demanded the legislation. The Iraq Study Group put together recommendations. The study group came forward and made recommendations and the President had the temerity to accept some of them, and now we are going to vote out a resolution condemning them for accepting those recommendations?

General Petraeus said this week to the Committee on Armed Services that he needs the 21,000 troops to get the job done. Are we telling him we don't think we should have those troops?

I have to confess, even as a Senator, I can't tell you exactly what we are trying to say in these resolutions. Are we expressing concern and discomfort with the situation in Iraq? I can't imagine how that would help. But more importantly, I can imagine lots of ways in which it will not help.

Look at the confusion within our Government in 1993 when the military had concerns about congressional intentions over our involvement in Somalia and how they prevented a request for armor that could have saved the lives of American soldiers. It is not a perfect analogy, of course, but I think it offers an important warning of the danger of mixed message like the one we will send with this resolution.

Our commander on the ground in Somalia in 1993, General Montgomery, requested a small unit of tanks and armored vehicles, as a quick reaction force in case our troops got bogged down or surrounded in the dense urban sprawl of Mogadishu, as they eventually did.

Les Aspin, the Secretary of Defense at the time, denied the commander's request. He told the Senate Armed Services Committee that ''Congressional concerns about U.S. military involvement in Somalia were a factor in his decision to deny General Montgomery's request for armor.''

General Montgomery also told the Armed Services Committee that he would have used that armor in October 1993 ''Blackhawk Down'' incident to rescue our troops who were bogged down in urban combat with Somali militia men. General Montgomery said that if he had that armor, ''we would have gotten there faster. We would have taken fewer casualties.''

My fear is that, in addition to the message this resolution will send to our enemies about our lack of resolve, it will also send a wrong and confusing message to our military commanders.

Just like we did in Somalia in 1993, we are pretty much saying that while the President should not pull our military out of Iraq, they shouldn't bother asking for what they need to get the job done and protect themselves while they are there.

General Petraeus raised this very same issue in his testimony this week in front of the Senate Armed Services Committee. He said that he worried about what message this resolution. would send to his soldiers and himself.

If we are going to leave our troops in Iraq, as we should, we should also give them everything they need to protect themselves and get their job done. Just as importantly, we should not leave them with the mistaken impression that they shouldn't bother to ask for what they need.

Congress cannot, and should not micromanage the war in Iraq—the troops in the field like to call that the 8,000 mile screwdriver. If any Senator wants to propose legislation to compel a withdrawal from Iraq, so be it, and let's vote on the matter.

If not, let's stop trying to micromanage by resolution, suggestion and

gesture, put away the 8,000 mile screwdriver, and give the President's plan a chance to succeed.

The Deputy Director of National Intelligence, Tom Fingar, told the Senate Intelligence Committee this week that gains in stability in Iraq could open a window for gains in sectarian reconciliation. I agree, and we have to give the President's plan a chance to succeed if we want to open that window.

Mr. President, I ask unanimous consent to have two pertinent articles printed in the RECORD.

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

[From the St. Louis Post-Dispatch, July 12, 2005]

BRONZE STAR WINNER SEES FRUIT OF HER EFFORTS

(By Mary Delach Leonard)

Last January, Sgt. 1st Class Stephanie Leonard was moved to tears as she watched news reports of the national elections in Iraq.

''When I saw people running around with their ink-colored fingers, I cried. I knew it was worth it. And I realized something important: Without soldiers and without people who support their soldiers, that day would have never come,'' she said.

''People overuse the word hero, but I felt like a hero that day.''

Leonard, 43, of Normandy, served in Iraq two years ago, shortly after the start of the war. She was assigned to the 135th Military History Detachment of the Missouri National Guard, and her job was to gather stories of war. Her three-soldier unit crisscrossed the Sunni Triangle from April to August 2003 interviewing and photographing members of the Third Corps Support Command.

The information they gathered will eventually be stored at the Center for Military History in Washington.

''Believe it or not, the military really does like to learn from its successes and failures, and this is one way we can do that,'' Leonard says.

She performed her duty so well, she was awarded the Bronze Star for meritorious service; she was the first female soldier of the Missouri Guard to earn the honor.

Leonard says people are always curious about the medal and are often surprised to discover that the Bronze Star is awarded not only for valor but, as in her case, for doing an outstanding job.

''It was all about the mission,'' she said.

WOMEN ARE IN COMBAT

Leonard is manager of information technology at Aramark in St. Louis—she calls herself a computer geek—and says that her life is pretty well back to normal. But she is concerned for her friends in Guard units currently serving in Iraq. She is aware that Americans are growing impatient and that some politicians have called for a timetable to begin withdrawing U.S. troops.

''It's not a 24-hour war, and, as Americans, we want things in a hurry,'' she said. ''We have to be patient. As soon as the Iraqi police are able to secure their own country, then that's when the window begins to open.''

On the day Leonard was interviewed for this story, the news was grim: Six American troops had been killed and 13 injured during a suicide attack on a convoy in Fallujah. The headlines focused on the fact that four of the dead were female Marines, and that 11 of the injured were also women. Some political commentators questioned the assignments of women in Iraq.

Although Pentagon policy excludes women from ground combat units, they are allowed to serve in support units, such as transportation, engineers and military police.

''If women are in support roles everywhere in Iraq, then women are in combat,'' Leonard said.

Some people are bothered by the thought of women kicking in doors or assuming the role of the aggressor, she said.

''But we have female firefighters and women police officers, and they are trained to kick in doors.''

Loss of life is tragic, whether male or female, Leonard said.

''Bullets don't differentiate.''

Although her unit traveled in unsecured combat zones in Iraq, Leonard said she never felt as though male soldiers treated her differently or tried to protect her.

''I think I was more protective of them,'' she said. ''They knew I could take care of myself.''

MAKING CHOICES

Since returning from Iraq, Leonard has been invited to speak about her experiences before various civic groups. Recently, she addressed Junior ROTC students at Beaumont High School. She told them that life is all about options, choices and decisions.

''As you get older, choices don't get easier; they get harder,'' she said.

Leonard points to her own life as an example. She joined the National Guard 16 years ago after graduating from St. Louis University because she wanted a challenge. She found one in Iraq.

She said she embraced the U.S. mission in Iraq because, as she traveled the countryside, she discovered how bad conditions were for the people.

Leonard said she has thought about returning to Iraq—she thinks she could make a contribution—but she would do so reluctantly because of her family. She is particularly concerned about her mother who took it hard when her youngest child went to war.

Recently, Leonard has been thinking a lot about her time in Iraq because she has been answering a detailed questionnaire from the National Guard about her service.

''It's a real shock to the system,'' she said. ''It can bring up all sorts of memories.''

[From the St. Louis Post-Dispatch, Apr. 2, 2006]

THE HEART OF A SOLDIER

MISSOURI VETERAN OF IRAQ WAR REFLECTS ON LIFE, LOVE AND GRIEF IN HER NEW BOOK

(By Mary Delach Leonard)

Kate Blaise is back home in northeastern Missouri, an hour's drive from just about anywhere and a lifetime away from the desert of northern Iraq, where she served for a year with the Army's 101st Airborne Division.

These days, her life is an open book, told in candid detail in her recently published autobiography ''The Heart of a Soldier: A True Story of Love, War and Sacrifice.'' But the residents of Macon, her hometown of 5,500, already knew the basic plot line:

How the former Kate Decker, who grew up wanting to join the Army, completed ROTC training in college and then rose to the rank of captain.

How, as a logistics officer, she convoyed across Iraq during the opening days of the war.

How she married her high school sweetheart, Mike Blaise, who would become a chief warrant officer with the 101st He was a pilot who loved flying Kiowa helicopters and who saw his share of combat.

How they served together in Iraq and how she made it home safely—but he did not.

''Some people tell me that they know how it ends, and yet they hope for a different ending,'' Blaise says.

An ending where a Kiowa won't crash in the desert on a dark, windy January night in 2004, the eve of her unit's departure for home.

Others have told her that although they didn't know her husband, they feel like they do after reading her story.

''That's why I wrote the book,'' she says simply.

A STORY TO TELL

Since the book's publication in January, Blaise, who just turned 30, has gracefully accepted her new role as author, along with all of the trimmings—public appearances and media interviews.

On this spring morning, she was in neighboring Atlanta, a town of about 500 people, to speak at Atlanta C–3, a well-used brick complex that houses all of the district's 220 students, from kindergarten through high school.

Mike Blaise attended this school through eighth grade, until his family moved to Macon.

''Your teachers asked me to come today to speak about attitude. I had the attitude that nobody was going to tell me that I couldn't do what I wanted to accomplish,'' Blaise told the students who lined the wooden bleachers of the gymnasium—third-graders to her left, high schoolers to her right.

''Life takes a lot of turns you don't expect. Bad stuff happens. I've lived the life I've somewhat planned. I did join the Army. I also wrote a book. And I certainly never thought I would write a book.''

Dressed in khakis and an olive green Harley-Davidson shirt, Blaise stood before the microphone looking at ease, although she admitted to being nervous about speaking in public. So she made herself more comfortable, perching on a table where she would later sign copies of her book.

The students listened respectfully, their hands waving in the air when she asked if they had questions. The third-graders wanted to know what it was like in Iraq. So she talked about the gritty sand, camel spiders and heat that can reach beyond 120 degrees.

The high schoolers wanted to know whether she still believes in the war. And, on this issue, she stands as solid as a storm cellar during a tornado.

''It's hard to stay positive about Iraq because of what you see on the news, but I was able to be there, and I know what a difference we are making there,'' she says firmly. ''The main thing is that we gave the Iraqi people the power to make their own decisions.''

Though much of this was serious talk, she kept the mood light, particularly when the questions had to do with her writing.

''I don't have to worry about my dad finding out about anything I've done—I've written a book,'' she said with a smile.

Getting published was the result of a series of right-place-at-the-right-time moments, starting when a women's golfing magazine asked her to write about a makeshift course at her Army base in Iraq.

''I am blessed,'' she says. ''I didn't have to work nearly as hard as most authors have to work.''

But the material for her story—the living of it—was hard-earned and paid for in full.

A TIME TO HEAL

After leaving the Army, Blaise came home to heal.

She grew up on Crestview Street in a newer section of Macon, the seat of Macon County, about 150 miles from St. Louis. Not

far from her old neighborhood, Blaise found her perfect house, though it needed some fixing, too.

Her father, Steve Decker, a former civil engineer for the state, lives nearby on a 250-acre farm that has been in the Decker family for generations.

Blaise has slowly remodeled the house, painting the rooms in deep, rich colors, and the kitchen a cheery 1950s red and white. Walls hold framed photos with military themes—she is an avid student of military history—and photos of Mike Blaise. His Air Cavalry hat is in the living room, resting atop the triangular case that holds his medals and the American flag that draped his casket.

It was in this home that Blaise came to terms with her loss. For the better part of a year, she spent hours in her office, writing chapters and e-mailing them to Dana White, a writer-editor in New York, who co-authored her book.

She says the toughest part wasn't writing about the night in Iraq when she was told of her husband's helicopter accident.

''It's easy to be sad about the sad things,'' she says. ''It was the happy parts that were the hardest. They made me miss him more.''

The Mike Blaise she loved was a big guy who took her deer hunting and made her laugh and liked to sing country songs in karaoke bars.

The book is, in fact, full of happy times, a tribute to growing up in small-town America.

She tells tales on her younger brother and three older sisters—in particular her sister Lindsey, who served in Iraq with the Missouri National Guard.

Blaise writes that her mother's injury in a car accident was the day that changed everything for her. Marie Decker survived but now lives in a long-term care facility.

The book is also a tribute to the tenacity of women who have found homes and carved out careers in the predominantly male world of the military. Blaise has little patience with recent political skirmishes that would have limited the roles of servicewomen in Iraq and Afghanistan.

''This genie is out of the bottle, and no amount of coaxing will get her back in,'' she says in her book.

But mostly, the book is a tribute to the life and love of a devoted couple who struggled to maintain their marriage through long separations and their share of disappointments. She says her late husband would have insisted on such honesty.

''Mike would have been uncomfortable being glorified,'' she says.

She still has Scout, the dog the Blaises adopted while serving in Korea. He is a prize, with his baby-seal face and Yodalike ears, a black and white softie who warily eyes strangers and barks at the Amish buggies that pass by their house on U.S. Highway 36.

Though writing the book was an emotional ordeal, it also helped her come to grips with her sadness, she says.

''The day I finished writing, I felt an overwhelming sense of peace,'' she says.

THE NEXT CHAPTER

Blaise jokes that some people in Macon feared she was writing a tell-all. And, in effect, that's what she did—she told it all, as it related to her life.

''I think her experience growing up was all of our experiences. Nothing could shock us,'' said Sharon Pennington, who teaches business and computer classes at Atlanta and remembers Mike Blaise as a shy youngster, two years younger than she is.

Kathy Baker, the school superintendent's secretary, was first in line to have Blaise autograph her book.

''I haven't read it. I can't,'' said Baker, her eyes growing moist. ''It's too close.''

Baker knows many of Blaise's relatives, including Mike's grandfather, Virgil, whom everyone called Grampy. He died while the Blaises were still in Iraq, and Mike Blaise is buried next to him in Shelby Memorial Cemetery.

Blaise says she's not really sure what she will do with the rest of her life. She says she would consider writing another book, perhaps about grief, which she knows a lot about. Though people gave her books on grief, she found them less than helpful with their flowery sentiments. Her book would be more real.

''It's hard to grieve,'' she says. ''It sucks, and it's going to suck for a long time.''

In the meantime, Blaise has joined the Missouri National Guard's 175th Military Police, based in Columbia, because being in the military remains important to her.

''It's the one thing that I do that's for the greater good,'' she says.

When the unit was sent to New Orleans after Hurricane Katrina, she found the deployment satisfying in a new way.

''I had never done anything that helped Americans,'' Blaise said.

Blaise recently got engaged to a helicopter pilot who knew her late husband in flight school. Ironically, it was Mike Blaise's affection for his Harley-Davidson motorcycle that brought this new love into her life. They met while riding their Harleys to the Sturgis Motorcycle Rally in South Dakota, fulfilling a wish that Mike had made to attend the event after the war.

Blaise says she wasn't looking for romance, and neither was her fianceé. It was an unexpected gift, another of those life's blessings she often talks about.

''Knowing that Mike knew him somehow eases the guilt,'' she says. ''God doesn't always agree with what you set for yourself. ''

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced recission authority under fast-track procedures.

Sununu amendment No. 112 (to amendment No. 100), to prevent the closure and defunding of certain women's business centers.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Bunning amendment No. 119 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Enzi (for Ensign) amendment No. 154 (to amendment No. 100), to improve access to affordable health care.

The PRESIDING OFFICER. Under the previous order, the hour of 10:37 having arrived, there will be 1 hour of debate in relation to amendment No. 101.

The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that during quorum calls in this hour, the time be equally divided on both sides.

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

Mr. GREGG. 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. KENNEDY. 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. KENNEDY. How much time is left and how is it divided?

The PRESIDING OFFICER. The majority controls 26 minutes, half of which belongs to the Senator from Massachusetts. The other half belongs to the Senator from North Dakota.

Mr. GREGG. Mr. President, could you tell us the entire allotted time?

The PRESIDING OFFICER. The Republicans control 21 minutes.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

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

Mr. KENNEDY. Mr. President, we are going to be voting on the minimum wage this morning. Hopefully, the Senate will vote for what I consider to be a clean bill—a clean bill being legislation that will increase the minimum wage to $7.25 over a 2-year period.

There will be another measure that will be voted on that Senator GREGG and Senator CONRAD will address, which is a line-item veto. But the fundamental issue we have before the Senate is the issue of an increase in the minimum wage—an increase in the minimum wage which has not taken place over the period of the last 10 years, and which I am very hopeful we will get strong bipartisan support for.

If you look over the history of the minimum wage, the nine different times we have raised the minimum wage, we have had bipartisan support for that increase. It has only been in the very recent years that Republican leadership has led the fight against it. We now have new leadership in the

House and the Senate and the Democratic leadership that brought this matter forward. We offer an open hand to our Republican friends to support this program, which is so important to so many working families.

From our earliest days, we have been a nation of strong values—particularly fairness and opportunity and concern for our fellow citizens. While we are a country of individualists, we have always recognized that America is strongest when we all prosper together. One of the earliest governing documents in our history, the Mayflower Compact, talked about laws that would support ''the general good.'' Later, in the preamble to our Constitution, we pledged that our Government would ''promote the general welfare.''

That is our proud history. Our Nation has thrived because we have made a commitment to shared prosperity. The vote we will cast today is a measure of our commitment to these values.

Minimum wage workers have been waiting for a raise for 10 long and difficult years. They have worked more than one job. They have saved every penny they can for the future of their children. They have decided each day what food they can afford and what bills they can pay.

Americans understand fairness, and they know this is unfair. They have called on us time and again to raise the minimum wage, but time and again—year after year—this Congress has turned its back on working families.

It is wrong that hard-working men and women cannot afford to put food on the table or heat their homes. It is wrong that our productivity soars, but our lowest paid workers fall further and further behind. And it would be wrong to demand a price of more and more tax breaks before these hard-working families get the raise they have earned.

Congress has voted itself a raise eight times over the past 10 years, while minimum wage workers have received nothing. Congress never demanded a price for increasing its wages. So why should we demand a price for giving minimum wage workers a raise? What is good enough for Congress surely is good enough for American workers. I say Congress should do unto others what it has done for itself. And we have not just been doing for ourselves. Over the last 10 years, we have done a whole lot for corporate America. We have given them $276 billion in corporate tax breaks. We have done a lot for the wealthiest Americans, who have seen their incomes skyrocket with generous tax giveaways. Why can't we do one thing for minimum wage workers? No strings attached, no giveaways for the powerful—why can't we do this one simple thing because it is the right thing to do?

Minimum wage workers are men and women of dignity. They do some of the most difficult back-breaking jobs in our society. They clean our offices. They serve our food. They take care of our children in preschools, and care for our elderly in nursing homes. They deserve a fair wage that respects the dignity of their work, and they should not have to live in poverty.

President Kennedy once said:

> If a free society cannot help the many who are poor, it cannot save the few who are rich.

We are a rich nation, but unless we do more to help the poorest Americans, we will not be able to save ourselves.

We have an opportunity today to take one bold step toward solving the problem of poverty in this great Nation. Today—right now—we can pass the House bill and send it to the President. We can raise the minimum wage and give 13 million hard-working people hope for a brighter future.

I hope my colleagues on the other side of the aisle will join me in voting for minimum wage workers today. This should not be a partisan issue. It is about standing behind our values. It is long past time to do the right thing and give minimum wage workers a raise.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. CORNYN. Mr. President, I see the floor manager from our side, Senator GREGG, on the floor. I talked to him about yielding me 10 minutes from our time. I ask if that is still acceptable.

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

Mr. CORNYN. Thank you, Mr. President.

AMENDMENT NO. 101

Mr. President, I want to talk specifically about the second-look-at-wasteful-spending amendment which is pending and that we will vote on here in a few moments. I hope to come back later today, perhaps, and talk more generally about the minimum wage bill that is pending, the underlying bill, and talk about how I hope our goal would be to train and educate American workers to fill good, high-paying jobs that currently go wanting for lack of a trained workforce. I would hope we would spend at least as much of our efforts on training them, providing them the alternatives to earn those higher, good wages as we spend focusing on the 2.5 percent of the workforce who actually earn the minimum wage—generally people who are starting into the workforce: teenagers, part-time workers, and the like—and how, notwithstanding our best of intentions, some of our actions here, by Government actually setting a minimum wage, may actually put some of them out of work.

But I would focus on the second-look-at-wasteful-spending amendment and challenge our colleagues on the other side of the aisle, in a good way.

Since we have come back after the election, and we have this new 110th Congress, we have heard a lot of very appropriate commentary on both sides of the aisle about the importance of our working together in order to solve some of the Nation's most serious problems. The President talked about that last night. One of the areas the President spoke about last night in his State of the Union Message—and I hear an awful lot about from my constituents—is concern about wasteful spending.

Indeed, a lot of what we did on a bipartisan basis this last week on lobbying and ethics reform was to turn the bright light of public scrutiny on the earmark process—special appropriations stuck in bills that frequently benefit individuals and groups—to turn the bright light on those, offer greater transparency, so the public can know how their tax dollars are being spent and, hopefully, people understanding that whatever they do will be exposed to public scrutiny, they will make sure their conduct in doing so conforms with the highest ethical standards they have a right to expect from us.

But the fact is that Presidents on both sides of the aisle—President Clinton, when he was President; now President Bush—have sought the authority of the line-item veto or, in this instance, what we are talking about is the so-called enhanced rescission. It is a process where the President, once an appropriations bill is sent over to him, highlights a concern he or she has about an appropriations bill, and sends it back over to the Congress to reconsider.

This is a way to provide the kind of laser-like focus we need to have on wasteful spending projects that occasionally—some might say more than occasionally—creep into our Federal appropriations process.

In the spirit of bipartisanism that I think the American people would like to see when confronting some of our biggest challenges, my hope would be that Members of this Congress—Members of this Senate—on a bipartisan basis, would support the very kind of bill this represents, and that they were advocating for when Senator Daschle, the Democratic leader, offered and sponsored with the support of at least 21 Democrats when President Clinton was in office.

I hold up a chart. I showed this yesterday, but I think it is worth looking at again. This chart is a comparison of the Daschle and Gregg expedited rescission amendments. You can see in all respects the Daschle amendment—here, again, Tom Daschle, the Senator from South Dakota, the leader of the Democrats in the Senate, offered an amendment which in all respects, except two—I will talk about that in a minute—is the same as Senator GREGG is proposing, the so-called second-look-at-wasteful-spending amendment.

The only two ways they differ is that the Gregg amendment does permit rescission of new mandatory spending. If you look at the places where money is being spent fastest in the Federal budget, it is in mandatory or entitlement

programs, which are going up at the rate of 8 percent or more a year, on autopilot. I applaud Senator GREGG for including a provision that permits rescission of new mandatory spending programs.

But that and permitting four rescission packages annually, those are the two areas where the Gregg amendment differs, albeit in a relatively minor way, from what Senator Daschle proposed in 1995.

You will see on this next chart, here is a list of the current Senate Democrats who supported the Daschle amendment in 1995. My hope would be, with this little refresher for our colleagues who actually supported this good policy back in 1995, that they would see fit to vote to close off debate and to actually have an up-or-down vote on the Gregg amendment.

As I said, if it was good policy in 1995, supported by these good Democratic colleagues, I think they would agree—I would hope they would agree—it is a good policy in 2007 or, if it is not, I would hope they would come to the floor and explain their change of heart because I think it would represent a change in position.

So this amendment goes to the heart of what I hear people express their concerns about most as I travel back in my State and as I read and listen to people's concerns, as expressed through the media, that Federal spending and our failure to be good trustees of the Federal tax dollar is one of their biggest concerns, along, obviously, with national security issues such as the war in Iraq. The other issue I hear a lot about—the President talked about it last night—is immigration reform.

Mr. President, I see the budget chairman on the floor, and I know he and Senator GREGG have committed to work on a bipartisan basis to try to deal with not just these issues, such as earmarks that abuse the public trust, and which somehow slip into our appropriations process, but to look at the larger picture and try to figure out how we can sustain some of the most important programs the American people have come to rely upon, things such as Social Security and Medicare, and that we not continue to spend in a way that imposes a financial burden for those programs on our children and grandchildren. That raises a profound moral issue that I believe we must confront.

So I do appreciate the efforts that are being made to try to deal with some of our hardest problems. I think there is a great opportunity provided here. Some might find this a little surprising for me to say being a Republican, but I think divided Government provides an opportunity for this body to do some very big and important and significant things. I do not think politics has to be a zero-sum game where Democrats win and Republicans lose, or Republicans win and Democrats lose in the public policymaking process. I think we can all win, and in so doing the American people can win, if we will simply come together in a commonsense, result-oriented sort of way and try to solve some of these problems.

I think Senator GREGG's amendment picks up on the wisdom of Senator Daschle's amendment back in 1995. And I frankly would be perplexed if we were unable to get the kind of bipartisan support to close off debate, to have an up-or-down vote on the floor, and demonstrate to the American people that, you know what, we heard the message on November 7, and you know what, we get it. We understand what you were telling us. You wanted us to work together, and we are working together to try to solve some of our Nation's biggest problems.

We reserve the remainder of our time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. How much time remains on either side?

The PRESIDING OFFICER. The Senator from North Dakota controls 13 minutes, the Senator from Massachusetts controls 7½ minutes, and the Republicans control 11 minutes.

Mr. CONRAD. I thank the Chair. I ask the Chair to inform me when I have consumed 10 minutes.

Mr. President, I thank my colleague from Texas for his remarks about Senator GREGG and me and our proposal to try to work on the overall major challenges facing us, which are long-term fiscal imbalances that are especially affected by the entitlement programs and the baby boom generation and the existing structural deficit we confront. We are engaged in a good-faith effort to try to address these long-term challenges. We were at breakfast together yesterday discussing those. I appreciate the Senator from Texas mentioning that.

With respect to this specific proposal, I don't think it merits our support. In fact, it is a very serious mistake to go in this direction. This amendment is actually dangerous. I say that with great respect to the former chairman of the Budget Committee who has offered the amendment. I believe it is dangerous because this transfers power in a way the Founding Fathers did not envision and would not have supported. The power of the purse resides in the Congress of the United States because the Founding Fathers recognized that putting too much power in the hands of one person was a dangerous matter.

Here are the things that are wrong with this line-item veto proposal. I will go on to address the big differences between the Daschle proposal and this one, but here is what is wrong with this line-item veto proposal: It represents an abdication of congressional responsibility; it shifts too much power to the executive branch, with very little impact on the deficit; it provides the President up to a year to submit rescission requests; requires Congress to vote within 10 days; provides no opportunity for extended debate; and allows the President to cancel new mandatory spending passed by Congress, such as those dealing with Social Security, Medicare, veterans, and agriculture. That is breathtaking power. In fact, we could have this negotiation that the Senator from Texas was referencing between Democrats and Republicans on what has to be done to the long-term circumstance with Social Security and Medicare, we could reach a bipartisan conclusion, and then the President would have the unilateral power to come back and cherry-pick those provisions he didn't like. No President should be given that power.

Let's talk about the line-item veto. This is what USA Today said in an editorial last year: It is a convenient distraction.

> The vast bulk of the deficit is not the result of self-aggrandizing line items, infuriating as they are. The deficit is primarily caused by unwillingness to make hard choices on benefit programs or to levy the taxes to pay for the true costs of government.

This is an article from the Roanoke Times last year:

> [T]he President already has the only tool he needs: The veto.

He has veto power. He can veto any one of these spending bills.

> He has chosen not to veto a single one. That Bush has declined to challenge Congress in five-plus years is his choice. The White House no doubt sees reviving this debate as a means of distracting people from the missteps, miscalculations, mistruths and mistakes that have dogged Bush and sent his approval rating south.
>
> The current problems are not systemic; they are ideological. A line-item veto will not magically grant lawmakers fiscal discipline and economic sense.

On the question of whether this has any effect on the deficit, this is the Acting CBO Director last year before the Congress, his testimony:

> Such tools, however, cannot establish fiscal discipline unless there is political consensus to do so . . . In the absence of that consensus, the proposed changes to the rescission process . . . are unlikely to greatly affect the budget's bottom line.

This is from CQ, Congressional Quarterly, again of last year:

> Passage of [the line item veto] legislation would be ''a political victory that would not address long-term problems posed by growing entitlement programs,'' Gregg said.

Senator GREGG himself said this would be ''a political victory that would not address long-term problems posed by growing entitlement programs.''

He also said this last year in a separate publication:

> Senator Gregg said it would have ''very little impact on the budget deficit.''

He is right. The impact it would have is to transfer enormous power to the President. I am not just talking about this President, I am talking about any future President.

This is what George Will, a conservative commentator, said:

> It would aggravate an imbalance in our constitutional system that has been growing

for seven decades: The expansion of executive power at the expense of the legislature.

Here is what an American Enterprise Institute scholar said about the line-item veto last year:

> The larger reality is that this proposal gives the President a great additional mischief making capability, to pluck out items to punish lawmakers he doesn't like, or to threaten individual lawmakers to get votes on other things, without having any noticeable impact on budget growth or restraint.

He went on to say:

> More broadly, it simply shows the lack of institutional integrity and patriotism by the majority in Congress. They have lots of ways to put the responsibility on budget restraint where it belongs—on themselves. Instead, they willingly, even eagerly, try to turn their most basic power over to the President. Shameful, just shameful.

On the question of the previous Daschle proposal, the suggestion that they are the same is not true. They are fundamentally different. The context is totally different as well. The Daschle amendment was offered in juxtaposition to another line-item veto proposal that was clearly unconstitutional—in fact, was judged to be so by the U.S. Supreme Court. So the Daschle proposal was an attempt to defeat a proposal which was clearly unconstitutional and which has been subsequently judged unconstitutional.

But the further claim that the Gregg proposal before us now and the Daschle proposal are the same is clearly not correct. Let me ask three questions and give answers with respect to how the two differ.

Can the President propose to rescind new mandatory items such as Social Security and Medicare reforms? Under the Gregg proposal, yes; under the Daschle proposal, no. That is a profound difference. Can you imagine if we were to reach an accommodation and agreement on long-term differences on these mandatory programs—Medicare, Social Security, agriculture, veterans—and then the President has the unilateral ability to go change it? I don't think so. That is not a direction we should take if we are going to have good-faith negotiation.

No. 2, can the President propose rescissions from multiple bills in one rescissions package? Under the Gregg proposal, the answer to that question is yes. Under the Daschle proposal, the answer was no. Why does that matter? The President could take something that was very unpopular—for example, the bridge to nowhere—remember that? We had the debate last year about the bridge to nowhere. A handful of us voted against that bridge to nowhere, by the way. I voted against it. The President could have taken that proposal and combined it with a proposal that was important to an individual Member and that might have great merit, and he could combine the two and kill the one with the other.

Let's be blunt. The President would have the ability to call a Member or have his staff call a Member and say: Look, I have a very controversial judge up there. I need your vote. And by the way, I am considering a project in your State that is critically important to you. I am going to have to line-item veto that. But I might be persuaded not to if I could have your support on this other matter. That is exactly what the Founding Fathers were concerned about—handing that kind of power to a President, that kind of power over an individual Member. That is a dangerous notion. It has been ruled unconstitutional in the past. I believe this would be ruled unconstitutional.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I, too, would like to speak on the line-item veto amendment. This body has made a lot of progress in being much more transparent in how we spend America's money. We can see, if we look back over the last couple of weeks, that America appreciates what we have tried to do to take these earmarks or these pet projects or designated spending, whatever we call it, and make it available for every American to see. We could tell from our e-mails and letters and the reports in the media that this was something which made Congress look as if we were genuinely trying to be much more open and honest about how we spend America's money. The amendment before us now, what we refer to as the line-item veto or line-item rescission, would actually make this whole process much more accountable.

I was interested in hearing my colleague make his point that the President could take one good item and put it with a really bad item and send it over to us and force us to make a decision. But let's think about what the President's options are now. We can send thousands of earmarks over in a bill to the President, and he only has two choices—to take it or leave it, to take the whole thing or veto the whole thing—and work that has been done here and in the House for months either has to be accepted in total or thrown out in total. That doesn't make any sense.

I will use the exact argument my colleague did. We should not be able to package all this good with all this bad and try to force it down the President's throat without the ability to have the checks and balances, the discussions that are needed so the American people can see we have thoroughly vetted these ideas and we are spending their money wisely.

This line-item rescission package I support because this Congress needs the interaction with the President and the working relationship that would be caused by this particular bill. It allows the President, no more than four times a year, to go through our spending bills and to send those things back which he thinks are not national priorities. This is not real complicated. He does not veto what we send him; he just gets a recommendation in the process. And since his agencies in the executive branch are charged with carrying this out and spending this money, the President needs to be engaged in the process in more than a take-it-or-leave-it type of relationship. So no more than four times a year, the President can put together those things which he thinks are not national priorities and send them to the Congress. And all this bill does is guarantee that they get a vote.

If the President tries to use this against individual Members, I know this body well enough to know that we are not going to pass his request.

Any President that tries to do that for political purposes will find his rescission package, or that his recommendations to Congress will be dispensed with very quickly.

This is important not only for this President but for many Presidents in the future. We know as Senators and Congressmen that over the next several decades this country is going to be faced with incredible fiscal crises. We have no idea how we are going to pay for Medicare and Medicaid in the future or Social Security. It is going to become more important every year that we cut wasteful spending and that we work with the President and with the House to do everything we can to cut those things that are not necessary.

In many bills—and we know it happens—many items, earmarks, are voted on for political reasons, and it is a good idea to allow the President to package those things and send them back to us so that we can vote on them and move them out if they are not national priorities.

This is not dissimilar at all to the BRAC process we created to eliminate unnecessary military bases. We found that Congressmen and Senators were not going to vote on an individual basis to eliminate a base in one State because we knew that then the Congressmen or Senators could vote to eliminate one in our State. It was a political dilemma that caused us for years to leave bases open that should have been closed.

It is the same with Federal programs and spending year after year. One project might be in my State and one in another Senator's State. None of us are willing to step up and eliminate projects one at a time. We cannot vote on them that way. This line-item rescission opportunity is for the President to take those things that we know are not national priorities, put them in a package, and send them back over for us to vote on. We should not lose this opportunity.

We need the President working with the Congress to eliminate wasteful spending—not this year or next year but for decades to come. This may be our only opportunity in a long time to make it happen. We have made tremendous progress on identifying the problems with corruption, wasteful spending, identifying earmarks, and all this

does is allow us to take it a step further and make sure we have the checks and balances from Congress and the executive branch to eliminate those things we know should not be in there and the President knows should not be in there.

Mr. FEINGOLD. Mr. President, I will oppose the amendment offered by our colleague, the senior Senator from New Hampshire, Mr. GREGG. I support the concept of what is called a ''line item veto,'' more accurately described as an expedited Presidential rescission. But the proposal offered today has some fundamental flaws that prevent me from voting for it.

There are a number of problems with the amendment before us, but let me call the body's attention to two of these flaws. First, the proposal goes far beyond the supposed target of this newly proposed authority; namely, unauthorized earmarks. When the line item veto is discussed, invariably it is the unauthorized earmark that is held up as the principal rationale justifying this new Presidential authority, and rightly so. The explosion in unauthorized earmarks over the last decade and more is a strong argument in favor of providing the President with additional authority in this area. But the amendment before us goes far beyond targeting earmarks. The Gregg amendment would allow the President to use the proposed expedited rescission authority to eliminate new provisions of programs like Medicare and Social Security, hardly measures that anyone would consider an earmark.

Second, the proposal has too great a potential for political gaming. The amendment allows the President to wait a full year after initial enactment before submitting an expedited rescission. If we are going to craft new Presidential authority in this area, the goal ought to be to eliminate the potential wasteful spending, and to do so in a straightforward manner. There is no good reason for significant delay. Permitting the President to wait a year before submitting a proposed rescission opens the door for inappropriate use of potential rescissions as a political hammer to hold over individual Members.

Mr. President, as I noted earlier, I support granting the President some additional authority in this area, but we need to be especially careful in crafting that authority. The Gregg amendment, however well intended, needs substantial improvement, and until that is done, I will oppose it.

Mrs. MURRAY. Mr. President, I rise today to speak against the line-item veto. This misguided proposal will hurt the communities we are here to represent. It will strip them of the voice they have today in Congress through each of us, and it will hand even more legislative power to the executive branch.

As I saw in my own experiences, both here in the Senate and in the Washington State Legislature, a line-item veto is subject to abuse, pressure and horse-trading, and it violates the delicate balance of power that the Founders so carefully designed.

Now I recognize that the idea sounds attractive. It suggests that we could cut spending and control the deficit without having to make any tough choices. Well, like a lot of ideas that sound good at first, once you look into it, the painful impact becomes clear.

More importantly, I think all of us need to do the hard work of crafting responsible budgets. We need to legislate and govern and take the needs of the country and our States into consideration. We need to make the tough decisions—not pass the buck to the White House.

I oppose the line-item veto today for the same reasons I opposed it in the 1990s. I voted against this gimmick when Congress handed that power to a Democratic President. And today I fight another attempt to hand that same power to a Republican President.

For me, it is not about the party of the Chief Executive; it is about making sure that the constituents I represent have a voice in the budget decisions that affect their lives. The line-item veto is the wrong approach for three reasons.

First, it would cede a tremendous amount of power from Congress to the executive branch. The Constitution is very clear that Congress has the power of the purse. The Framers of our Constitution carefully divided the powers of our Government between the three branches.

When Congress tried this before, it was ruled unconstitutional. This time around, the sponsors have tweaked the bill to try to address those concerns, but the underlying problem still remains. We should not be handing our legislative power over to the executive branch. I made that argument in 1995—and it is even truer today. We have seen the Bush administration aggressively try to expand Presidential power and limit congressional input and oversight. We should stand our ground as the Founders intended—not surrender our constitutional authority to the executive branch.

Second, the line item veto would hurt the constituents we represent. They rely on us to fight for their needs and priorities. Through the budget and appropriations process, we work to meet the needs in our local communities—needs that the administration would ignore. If we give up our ability to fight for our communities, our constituents will lose their voice because I can tell you, the communities we represent will not get fair consideration from a budget official sitting in Washington, DC.

Last week, a group of constituents came to see me about a local road that needs to be improved. The changes they are seeking will improve safety, support economic development, and provide access to critically needed housing. I represent that community, so I know firsthand those improvements are needed. That community has me fighting for them and pushing for their needs. The administration is not going to do that. They are not going to send someone from Washington, DC to check out the road and see that it is unsafe. In fact, these constituents had just come from a meeting with an administration official who basically told them that, in regard to the continuing resolution, ''Good luck, we will be making the decisions this year.''

That is just wrong. If we hand this power to the administration, we will surrender our voices, and our constituents will lose their voices in advocating for their communities. The families I represent know that if they have a problem, they can come and talk to me. But if you tell them that they have to track down someone at OMB and convince them to care about their local needs, our communities will suffer.

I came to the Senate to represent the people of my home State of Washington. They elected me to be their voice on a wide array of issues affecting everything from their safety to their health, education, and economic well-being. I am not going to transfer my ability to fight for the people of Washington State to this or any other President. That is what this bill proposal would do, and I strongly oppose it.

Third, experience has shown that the line-item veto is subject to abuse and may be applied unfairly by an administration. I have experience with line-item veto authority. I served in my State legislature and saw firsthand the kind of horse-trading that can occur when the Executive has this power.

When President Clinton exercised the line-item veto in 1997, we saw serious problems in the way it was applied. The White House put forward standards for deciding which projects would be targeted. But then it attacked projects that actually met the standards. In 1997, I stood here on the Senate floor and detailed the mistakes the Clinton administration made in unfairly targeting projects for elimination. I don't want to see a repeat of those mistakes.

Mr. President, crafting a responsible budget takes hard work. It requires tough choices. There is no gimmick or trick that will make the hard decisions go away. Handing our power and our constituents' power over to the White House certainly won't do it. So I say, rather than spending our time on a distraction, let's work on a real budget and on the real and difficult choices that are before us.

Let's do the job that voters sent us here to do—without gimmicks and without trampling the Constitution.

Mrs. CLINTON. Mr. President, in crafting our delicate system of checks and balances, our Founding Fathers vested in Congress what is commonly referred to as the ''power of the purse''—control over raising revenue and appropriating funds. While the virtue of Congress abdicating some of its

budget responsibility to the president is a subject of worthwhile debate, the construct of Senator GREGG's Second Look at Wasteful Spending Act of 2007 does little to return much needed fiscal discipline to our budget process. And while I support efforts to rein in our spending and to solve our Nation's budget woes, Senator GREGG's amendment would create a system far too susceptible to abuse.

The Gregg amendment's weakness is in its construction. Up to four times a year, the President could package his or her proposed rescissions in any manner he or she chooses, selecting and combining provisions from any number of bills. Among the Gregg amendment's most significant flaws are the timetables it imposes. The amendment would give the President up to 1 full year after enactment of a provision to submit a rescission request. Even in the event that Congress rejects the President's request, the legislation still gives the President the power to defy the congressional vote and withhold spending for a program for up to 45 days. This formulation would effectively allow a President to hold hostage spending measures and force congressional votes on new bundles of spending provisions, injecting chaos into our budget process and wreaking havoc in countless other ways.

There is no debate that we need to curb our spending. The Bush administration has run up a record debt and an unprecedented deficit, endangering our Nation's long-term financial health and our children's future. Unfortunately, as noted by the nonpartisan Congressional Budget Office, Senator GREGG's amendment does little to return much needed fiscal discipline to our budget process. I am open to considering a different proposal, keeping in mind that what we need is measured reform coupled with strong leadership that will exercise fiscal responsibility.

Mr. ENZI. Mr. President, I rise today in support of Senator GREGG and Senator MCCONNELL's ''Second Look at Wasteful Spending'' amendment. While I would prefer that this issue be addressed on a separate bill, I understand the procedural reasons behind why my colleague from New Hampshire is offering this amendment to the minimum wage package. I am treating this amendment as separate from the rest of the minimum wage debate and I hope my colleagues will do the same. I am pleased, however, that the Senate is able to debate this important issue on the floor.

This amendment is a responsible step towards spending accountability. It provides for a greater level of accountability which is critical to enhance the fiscal well-being of the country. Senator GREGG's proposal allows both Congress and the President the opportunity to seriously reconsider both mandatory and discretionary spending. By allowing the President to single out wasteful spending and giving Congress the final say through vote on a rescission package, this amendment will help eliminate waste, rather than perpetuate the current out of control spending habits.

By forcing Congress to take another look at spending, this amendment gives the President the ability to send up to four rescission packages a year. Congress then has up to 8 days to act on the President's proposal through a fast track process. However, a simple majority of both Houses of Congress must approve before any of the rescission package can become law. Finally, any savings from the rescissions must go to deficit reduction.

I believe that ''A Second Look at Wasteful Spending'' is a simple, clear-cut proposal that stands within the parameters of the U.S. Constitution. This amendment includes the same principles of fiscal responsibility that have received bipartisan support since the passage of a comprehensive veto in 1992, and strongly echo the Daschle-Byrd proposal of 1995. Here is a chance for both Republicans and Democrats to help restrain frivolous spending.

I emphasize the gravity of fiscal responsibility because it sets the standard for the success or failure of our Nation. We need to take action now to avert an even larger economic crisis in the future. ''A Second Look at Wasteful Spending'' is a step in the right direction, though there is more work to be done. Many of my colleagues in this Chamber have supported this concept in the past, and I urge my colleagues to support the Gregg amendment.

As I stated in my maiden speech in 1997, the American people continue to demand an end to runaway spending. We need to show the American people that we are responsible. I said those words about the balanced budget amendment in 1997, and they also hold true for this amendment today. By adopting the ''Second Look at Wasteful Spending,'' we would show that Congress is willing to take a much needed step toward fiscal restraint.

I stand in full support of this amendment and am proud to be a cosponsor. This outstanding amendment is worthy of your consideration and support.

Mr. MCCAIN. Mr. President, I am pleased to join Senator GREGG and others in supporting this fiscally responsible amendment to provide the President authority to perform rescissions to legislation passed by Congress. Congress would then be required to review the President's recommendation within 8 days and affirm or reject the recommendation. Additionally, this amendment correctly requires the money from rescissions to be put toward deficit reduction.

Congress has grappled with the issue of providing the President with line-item veto or rescission authority since the original law was overturned by the Supreme Court in 1998. In the last Congress, there were at least eight bills introduced, including one I authored, attempting to provide the President with the authority to review and reject objectionable sections of legislation passed by Congress. It is my hope that during the 110th Congress we will provide the President with this important tool to combat porkbarrel spending and to reduce the deficit.

Just last night, President Bush delivered the annual State of the Union Address in which he stressed the need to impose spending discipline here in Washington by cutting the number earmarks. He is not the only President to address the country about the need to curtail wasteful porkbarrel spending.

In 1988, during his final State of the Union Address, President Ronald Reagan discussed the growth of earmarks and asked for line-item veto authority for future Presidents. On that evening, President Reagan carried with him three pieces of legislation: an appropriations bill that was 1,053 pages long and weighed 14 pounds; a budget reconciliation bill that was 1,186 pages long and weighed 15 pounds; and a continuing resolution that was 1,057 pages long and weighed 14 pounds.

In reference to the continuing resolution, President Reagan chided Congress, stating, ''Most of you in this Chamber didn't know what was in this catch-all bill and report.'' President Reagan then explained that millions of dollars for items such as cranberry research, blueberry research, the study of crawfish, and the commercialization of wild flowers were included in the continuing resolution ''tucked away behind a little comma here and there.''

In 1987, Ronald Reagan vetoed a highway bill because it had 157 earmarks. In the last Congress, a highway bill with 6,371 special projects costing the taxpayers $24 billion was enacted, despite my strong opposition. Those and other earmarks passed by Congress included $50 million for an indoor rainforest, $500,000 for a teapot museum, $350,000 for an Inner Harmony Foundation and Wellness Center, and $223 million for a ''Bridge to Nowhere.''

Unfortunately, this earmarking has not been limited to the highway bill. Nothing can compare to the out of control earmarking that has occurred in the annual appropriations measures during recent years. According to data gathered by Congressional Research Service, there were 4,126 earmarks in 1994. In 2005, there were 15,877—an increase of nearly 400 percent. There was a little good news in 2006, solely due to the fact that the Labor-HHS appropriations bill was approved almost entirely free of earmarks—an amazing feat given that there were over 3,000 earmarks the prior year in that bill. Despite this first reduction in 12 years, it doesn't change the fact that 2004, 2005, and 2006 produced the greatest number of earmarks in history.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from $23.2 billion in 1994 to $64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks

decreased. Earmarked dollars have doubled just since 2000 and more than tripled in the last 10 years. This is wrong and disgraceful, and we urgently need to curtail this seemingly out of control porkbarreling practice that has become the norm around here.

President Reagan would be deeply disturbed to know that almost 20 years later, the size of spending bills has gotten much, much larger as we put more money toward porkbarrel projects. These earmarks have allowed the national debt to grow from over $5 trillion when President Reagan left office in January 1989 to over $8 trillion today. These statistics demonstrate clearly that the need for rescission authority is much greater than when President Reagan was in office.

President Reagan said to Congress during his 1988 State of the Union Address, ''Let's help ensure our future of prosperity by giving the President a tool that, though I will not get to use, is one I know future Presidents of either party must have. Give the President . . . the right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline.'' This amendment would do just that. It would provide the President authority to identify wasteful items of spending and move to eliminate them from the Federal budget. This would be a significant and, unfortunately, all too rare move in Washington, DC, toward fiscal discipline.

Rescission authority alone is not the solution to the fiscal crisis we face in our Nation's Capitol. We also desperately need to reform our earmarking process and our lobbying practices and the legislation the Senate passed last week makes a number of positive improvements in those areas. But above all, we must remember that it is ultimately Congress's responsibility to control spending. However, granting the President line-item veto authority would go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork.

I urge my colleagues to support the Gregg amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, what is the time status?

The PRESIDING OFFICER. The Senator has 4 minutes 45 seconds.

Mr. GREGG. And the other side?

The PRESIDING OFFICER. They have 9½ minutes.

Who yields time?

Mr. KENNEDY. Mr. President, I understand we have 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 7½ minutes.

Mr. CONRAD. Mr. President, will the Chair inform me how much time is left on the Republican side?

The PRESIDING OFFICER. Four and three-quarter minutes.

Mr. CONRAD. Would the Senator from Massachusetts like to go first?

Mr. KENNEDY. I would like to wait. I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I urge my colleagues to oppose cloture on this matter. I think this is a well-intentioned amendment, but it does virtually nothing about the deficit. What it does do is transfer power from the Congress of the United States to the White House. What it will set up, I say to my colleagues, with this President perhaps, and with some future President for certain, is a circumstance in which the President will be able to leverage Members of this body on completely unrelated issues because of his unchecked power to line-item veto provisions in appropriations bills.

That is a profound mistake for this body. The Founding Fathers set up this separation of power very carefully. They put the power of the purse in the Congress. They did that because they were concerned about the extraordinary power that the Kings had in Europe. They never wanted to replicate that here.

Mr. President, that is exactly the formula that has helped America be the preeminent power in the world—the strongest economic power and the strongest military power. We should not alter that relationship by granting this increased power to this President or any future President.

I urge my colleagues to oppose cloture.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I wonder if the Senator from Massachusetts would give me the courtesy of closing the debate since it is my amendment.

Mr. KENNEDY. Mr. President, I thought it was about our debate on the minimum wage, but that is fine. I have 7½, and the Senator has how much?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes, and the other side has a little over 4½ minutes.

Mr. KENNEDY. Mr. President, I ask the Chair to let me know when I have a minute and a half.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. We are at a very important moment for millions of working families in this country. It has been 10 long years since we have seen an increase in the minimum wage. During that period of time, I don't think anybody in this body could really understand the kind of pain and sacrifice these families have experienced and the kind of anxiety they have had every day, wondering if they are going to be able to provide for themselves and their families, and particularly for their children.

I welcome the fact that it was our Democratic leaders who have this now before the Senate. We had a majority in the Senate for an increase, but we had the opposition of Republican leadership in the Senate and also in the White House. But now we have had 80 Republicans in the House of Representatives voting for a stripped-down bill. That is a reflection of the bipartisanship we used to have.

We have seen historically where we had both Republican and Democratic Presidents who fought for an increase, including Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter, the first President Bush, and Bill Clinton. That is the roster of American Presidents in the postwar period. But we have had the strong opposition of this President and the Republicans. Its impact has been devastating on families.

If you look at what has happened to families, you will find out that the purchasing power of the minimum wage over the period of these recent years has just collapsed—almost to the lowest point it has ever been in terms of purchasing power. Look into the sixties, seventies, and the 1980s. With the Democrats in power, with the help of some Republicans, we helped keep it up. It was at the poverty level and it collapsed in recent years and we are trying to get it up to $7.25. That is still not adequate; nonetheless, it will make a big difference to working families, the 41 million Americans—28 percent—who work more than 40 hours a week. Nearly one in six workers work more than 50 hours a week. People are working longer and harder than ever before.

If you look at what is happening in the industrial nations, look at the United States, we have increased more than any other industrial nation in the world. What happened? The wages of the poorest of the poor who are out there working 40 hours a week have collapsed, and what happened? They have been working longer and harder than ever before.

What has been happening? They increased productivity for the American economy. Look at the past, where you had productivity and the minimum wage related year after year. But not now. We have seen the explosion of productivity, but do you think any of that has been passed on to hard-working people? Absolutely not. We are not going to let those who increased the productivity of the American economy share in it. That has not been the case.

We also see the continued loss of workers. What has happened on the other side? Who has gotten the increase in the productivity. Imagine who: corporate profits grew 65 percent more over this period of time. They are the ones who have taken the benefit of the productivity. It used to be shared between the workers and corporations. Not anymore. They have been the ones who have opposed the increase in the minimum wage.

We have seen what happened, as I pointed out, when we had productivity related to the minimum wage. We saw that the minimum wage was at the poverty level, and now we have seen it virtually collapse. What has been the

impact on the American families? We have now seen that 4.1 million more American families have gone into poverty since 5 years ago. And, naturally, we have seen an increased number of children who have gone into poverty; 1.2 million more children have gone into poverty over the last 5 years, with no raise in the minimum wage.

Increased numbers of families are struggling and working hard, working longer and harder than in any other industrial nation in the world, and still they cannot get out of poverty. As a result, we find this extraordinary achievement in the United States of America, and we have the highest poverty rate of children of any industrialized nation in the world. The list goes on.

We can see this is reflected in the increased number of individuals who are suffering in terms of hunger in our country. You can go to food banks in my city of Boston—and we have food banks throughout Massachusetts and you hear the same thing. We are having to give more assistance to families who are working, and more and more of those are children living in poverty. It doesn't have to be this way. We are not going to answer all of the problems of poverty with this increase. We are telling hard-working Americans who work hard and take pride and produce that we in the Congress at this time are going to give you a very modest raise. They are entitled to it. It is saying to proud men and women who are doing a decent job that we recognize that and we believe in a society where people move along together.

This is going to make a difference to children in our society because so many children are the children of individuals who work hard and are working at minimum wage. It will make a difference to women because the great majority of people who benefit from the minimum wage are women. So it will benefit women, and it will benefit children, and those people who go into the entry level, men and women of color who are getting a job. This is a family issue, a values issue, an American issue, and it is a fairness issue.

That is why we want to have a strong vote here with the bare bill that sends a very clear message: $7.25 an hour for working families is not too much in the richest country in the world.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator for allowing me to proceed in this manner. I think people listening may get confused. In our discussions, the Senator from Massachusetts is addressing the second cloture vote. I am addressing the first one. The second one addresses the issue of minimum wage. I am talking about the second look at the waste amendment, or enhanced rescission amendment, which is the first cloture vote.

This is not a line-item veto. That pejorative is being thrown at it by people who think the line-item veto is inappropriate and transfers too much power to the President. That was settled in the 1990s when President Clinton was given it, and then it was ruled unconstitutional. This is the daughter of Daschle amendment. It is essentially rescission language that allows us to take a second look at waste and mismanagement that may occur as a result of earmarks being put in omnibus bills.

We talk around here about earmarks and the inappropriateness of some of them. This is another opportunity for us to look at inappropriate earmarks and to eliminate waste as a result of that. It tracks very closely the Daschle language.

The Senator from North Dakota mentioned three areas where it differs from the Daschle language. I don't think any of those three areas are substantive.

The first was on the issue of entitlements. Of course, entitlements have to be on the table. The argument that for some reason a global agreement on entitlements is going to be undermined by this opportunity to take a second look at wasteful spending is a total straw dog. No such global agreement would be reached unless this language was also addressed and the question of the President's power was addressed.

Secondly, the idea that a packaging of rescissions will put undue pressure on Members to vote for a bad rescission in favor of a good rescission because they will be put together is totally specious or inaccurate because of the fact that the motion to strike is retained so that packages can be broken up.

As I said earlier, I am going to take the 300 days, if we get this to the amendment process, and move it back to 30 days, so that is not an issue either.

This is a question of how we better manage the taxpayers' dollars. It is that simple. There is no reason why we should allow inappropriate spending to be buried in omnibus bills, as mentioned by the Senator from South Carolina, and then never have an opportunity to go back and take a look at that inappropriate spending.

It is such a logical idea that it was voted for by 37 Members of the Democratic Party the last time it was on the floor, 20 of whom still serve in the Senate. Individuals who voted for essentially this exact proposal—not exact, but it is so close it is hard to differentiate—are still serving in the Senate.

I hope those individuals will vote for cloture so that we can move on and do this very significant piece of reform.

Is it going to dramatically affect the deficit? I have said it isn't. What it is going to do is give us an opportunity to effectively address waste mismanagement and inappropriate earmarks that will help the deficit because I put the money toward the deficit. I acknowledge it is not going to be dramatic sums, but it is better management of the American taxpayers' money, and that is our goal.

It is not unconstitutional. It does not have a constitutional issue with it. It has been addressed. In fact, it is a proposal that is so reasonable in the area of constitutionality that Senator BYRD, the last time this proposal was put forward, said:

> I have no problem with giving the President another opportunity to select from appropriation bills certain items which he feels, for his reasons, whatever they may be, they may be political or for whatever reasons, I have no problem with his sending them to the two Houses and our giving him a vote.

He is being reasonable. It is a reasonable approach. The idea is simply to allow the President to say to us: Listen, I looked at this bill; it is spending $400 billion or $500 billion. There is some money in here that I don't think should be spent. Why don't you take a another look at this, Congress, and if either House says no, we are going to spend that money, they can spend it, or if either House strikes an item, it gets struck and it is not part of the rescission package.

This is good management. It has been voted out of this Senate before. I hope it will be voted out again.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Time is up.

Mr. GREGG. Mr. President, I guess I will end my statement and ask people to vote for cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Gregg amendment No. 101 to the substitute amendment to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.
>
> Harry Reid, Mitch McConnell, Judd Gregg, Craig Thomas, John E. Sununu, James Inhofe, Jon Kyl, Johnny Isakson, Tom Coburn, Mike Crapo, Wayne Allard, Lamar Alexander, John Cornyn, Jim Bunning, John Ensign, David Vitter, Bob Corker.

The PRESIDING OFFICER (Ms. KLOBUCHAR). By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 101, offered by the Senator from New Hampshire, Mr. GREGG, an amendment to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—49

Alexander	Dole	McCain
Allard	Domenici	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

NAYS—48

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Shelby
Conrad	Lincoln	Stabenow
Dodd	McCaskill	Tester
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden

NOT VOTING—3

Brownback	Carper	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Madam President, I move to reconsider and table that vote.

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that prior to this vote there be 2 minutes for debate equally divided.

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

Who yields time?

Mr. KENNEDY. Madam President, what is the issue now that is before the Senate?

The PRESIDING OFFICER. There is now 2 minutes of debate before the vote on the cloture motion on H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. KENNEDY. I yield myself 1 minute.

Madam President, we have the opportunity for the first time in 10 years to pass an increase in the minimum wage that will affect a million of our fellow citizens. The workers who work for the minimum wage are people of dignity. They take pride in their work. They work hard and try to do a job.

This is a women's issue because the great majority of those who work and receive the minimum wage are women. It is a children's issue because so many of those women have children. Therefore, it is a family issue, it is a value issue, and it is a civil rights issue, because so many of those who enter with the minimum wage are men and women of color. Most of all, it is a fairness issue. In the United States of America, we understand fairness. With the strongest economy in the world, for men and women who are going to play by the rules, work 40 hours a week, they should not live in poverty in the United States of America.

Vote yea on this amendment and we will make a downpayment in bringing children, women, and others out of poverty in this Nation.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, for those who have been listening for the last 2 days, the argument has not been about whether we would raise the minimum wage. There seems to be agreement to raise the minimum wage. The difficulty has been how do we take care of some of the impact to small business that will result.

The Senator from Massachusetts, Mr. KENNEDY, has mentioned that the last time we passed the minimum wage, there was a small business tax package in it. That somewhat set a little different level for doing this kind of action. Incidentally, it was Senator Simpson from Wyoming who headed up that effort at that time.

This bill could have happened earlier if we had some assurance that there was going to be this tax package. I congratulate the Senator from Montana, Mr. BAUCUS, and the Senator from Iowa, Mr. GRASSLEY, for the way they have worked together and the way their committee worked together to put together a tax package that will benefit small business and reduce some of the impacts of the increase in minimum wage. The minority just needs some kind of a sense that will be a part of the bill, and we can move forward with the whole thing. We are trying to make sure we don't put the mom-and-pop businesses and their employees out of work and their services lost to the community.

Madam President, I ask unanimous consent to submit a letter from the Coalition For Job Opportunities supporting it.

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

COALITION FOR JOB OPPORTUNITIES,
January 23, 2007.

U.S. Senate,
Washington, DC.

DEAR SENATOR: As members of the Coalition for Job Opportunities (COJO), we are writing in opposition to the cloture motion filed on H.R. 2 which calls for a federal minimum wage increase to $7.25/hour without any offsetting small business tax provisions. We are very concerned that this 41% increase to the starting wage would severely impact small businesses and cost our economy jobs. While no package of small business measures can completely mitigate the negative impact of a wage hike, we are supportive of the small business tax package approved unanimously in committee last week and believe it must be included with the wage proposal before the Senate.

A mandated wage hike of this magnitude will cause many small employers to make difficult staffing decisions, in terms of eliminating current positions and postponing plans to create new ones. Due to the last minimum wage increase, our economy experienced significant job losses across multiple sectors.

Many small businesses operate under a very small profit margin, and a 41% mandated wage hike would have a severe impact on employers at a time they are experiencing other difficult cost challenges. Small employers continue to face steady double-digit health care premium increases, and rising energy costs have also had an impact. Just this month, it was reported that commercial electricity prices have risen nearly 10% during the first 10 months of 2006.

We urge you to strongly consider the vital role that small employers play in our economy as job providers. An increase in the starting wage will stifle job creation, directly affecting employment opportunities for low-skilled, entry level workers. We therefore urge you to oppose this mandated wage increase and to allow market forces to create and sustain more jobs.

Sincerely,

National Restaurant Association, National Federation of Independent Business, National Retail Federation, National Association of Convenience Stores, American Hotel and Lodging Association, American Beverage Licensees, Bowling Proprietors' Association of America, Coalition of Licensed Beverage Associations, Food Marketing Institute, International Association of Amusement Parks and Attractions, International Foodservice Distributors Association, International Franchise Association, International Pizza Hut Franchise Holders Association, Kentucky Fried Chicken Franchisee Association, National Association of Chain Drug Stores, National Association of Theatre Owners, National Club Association, National Council of Agricultural Employers, National Council of Chain Restaurants, National Franchisee Association, National Grocers Association, Printing Industries of America, Small Business & Entrepreneurship Council, Society of American Florists, Tire Industry Association.

U.S. HISPANIC CHAMBER OF COMMERCE,
Washington, DC, January 23, 2007.

DEAR SENATOR: The U.S. Hispanic Chamber of Commerce, as the nation's leading voice for over 2 million Hispanic-owned businesses and over 200 chambers nationwide, urges your support for providing significant small business tax relief as a key component of S. 2, the Minimum Wage Act of 2007.

Small and disadvantaged businesses create 75 percent of new U.S. jobs annually, but they are also responsible for the majority of job losses each year. These important statistics demonstrate why we must provide assistance to these struggling businesses. According to the Small Business Administration, 590,000 new businesses were established in 1998, and 565,000 of them employed fewer than 20 workers. However, 541,000 firms went

out of business that year, and more than 94 percent of them had 20 workers or less. Small businesses already encounter a growing number of rising costs for doing business such as double digit health care premium increases and increased energy costs.

As an organization that understands and represents the interests and concerns of Hispanic-owned businesses, we urge you to provide a comprehensive response that includes small business tax relief as an integral part of this legislation. We look forward to working with you to achieve this goal.

Sincerely,

DAVID C. LIZARRAGA,
Chairman, Board of Directors.
MICHAEL L. BARRERA,
President and CEO.

NFIB,
January 22, 2007.

Sen. HARRY REID,
Majority Leader, U.S. Senate,
Capitol Building, Washington, DC.
Sen. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Capitol Building, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small-business advocacy group, I am writing to urge you to include critical small-business relief as part of any minimum-wage legislation that passes the U.S. Senate.

During Senate consideration of H.R. 2, a bill that raises the minimum wage by $2.10, please be mindful that small-business owners oppose the wage hike because it would leave them with fewer choices in how they compensate their employees and when they decide to hire new ones. Wage hikes historically have had a negative impact on certain industries that offer the most entry-level jobs—including restaurants, grocery, and retail stores—many of which are run by small-business owners.

We were encouraged that the Senate Finance Committee took an important step in this debate by passing the Small Business and Work Opportunity Act of 2007. This bill contains growth-oriented tax relief that allows small businesses to invest and stay competitive. We hope that you can continue in this direction during debate on the floor.

In addition, should you decide to consider any additional revenue offsets, I hope you will be mindful of the consequences of any tax increases on small businesses. While revenue offsets may serve to restrain fiscal spending, any other possible burdens on small businesses—in addition to the wage hike—will be harmful to the continued growth of this very important industry.

Thank you for your leadership on this issue, and we look forward to working with you as the 110th Congress moves forward.

Sincerely,

DAN DANNER,
Executive Vice President.

NATIONAL RESTAURANT ASSOCIATION,
January 23, 2007.

DEAR SENATOR: On behalf of the National Restaurant Association and the 935,000 restaurant locations nationwide, we are writing in opposition to cloture on H.R. 2 the underlying minimum wage bill which does not include the small business tax package unanimously approved in committee last week. Our association cannot support a wage increase given its impact on jobs in our industry, and we strongly believe that any minimum wage increase must include small business tax relief in order to mitigate the negative impact of a mandated wage hike. The cloture vote on the underlying ''clean'' minimum wage bill will be considered a ''key vote'' by the National Restaurant Association.

Restaurants are acutely impacted by an increase to the starting wage, and it is important to protect the jobs our industry provides. Nearly half of all adults have worked in the restaurant industry at some point during their lives, and 32 percent of adults got their first job experience in a restaurant. For many, restaurant jobs lead to management and ownership opportunities: 8 out of 10 salaried employees have started as hourly employees.

The restaurant industry plays a critical role in providing jobs to the U.S. economy. By the year 2017, we are expected to create an additional 2 million positions. If we are to fulfill this expectation, we urge you to include relief targeted to those industries that pay the starting wage.

We urge you to oppose cloture on the underlying base minimum wage bill (H.R. 2). The cloture vote on H.R. 2 will be treated as a key vote by the National Restaurant Association.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.
JOHN GAY,
Senior Vice President, Government Affairs and Public Policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENZI. I ask my colleagues to vote no on cloture.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Debbie Stabenow, Robert Menendez, Tom Carper, Harry Reid, Charles Schumer, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2, a bill to amend the Fair Labor Standards Act of 1938, to provide for an increase in the Federal minimum wage, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—54

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Casey	Leahy	Snowe
Clinton	Levin	Specter
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden

NAYS—43

Alexander	Domenici	McCain
Allard	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Chambliss	Hagel	Smith
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Corker	Inhofe	Thomas
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	
Dole	Martinez	

NOT VOTING—3

Brownback	Carper	Johnson

The PRESIDING OFFICER. On this question, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, the time is moving on. If people wish to offer amendments, this is the time to do it. I know there are Members tied up in committees. If someone feels strongly about an amendment, someone managing on the minority side can offer it, someone here can offer amendments for the majority, if there are amendments they wish to offer and simply can't be here. We would like to get this set up so we can start voting on amendments. Vote on a Democrat amendment, a Republican amendment or vice versa. Let's move on.

Some of these votes are not pleasant. They are tough votes. That is why we are here. The sooner we move to start voting, the better off we are going to be. If it comes to a period in the next 24 hours that Members are not going to offer amendments, there is little alternative but I will have to offer another cloture motion.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Let me say to my good friend, the majority leader, there are two Senators, Senator ALLARD and Senator SMITH, in the Chamber prepared to offer amendments now.

I concur with him. Those who have amendments should come forward and offer them. We have two Republican Senators ready to do that as we speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I ask unanimous consent to be able, after Senator SMITH and Senator ALLARD have offered their amendments, and also Senator REED, who was here earlier than I, to be able to offer a bipartisan amendment on a matter of critical importance to all from timber-producing States that deals with funding for schools and roads. I ask unanimous consent to be able to offer that bipartisan amendment after Senator SMITH has offered his amendment, after Senator ALLARD has offered his amendment and after Senator REED has had an opportunity to speak.

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

The Senator from Oregon is recognized.

AMENDMENT NO. 113 TO AMENDMENT NO. 100

Mr. SMITH. Madam President, I call up amendment numbered 113, and I ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 113.

Mr. SMITH. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 113

(Purpose: To make permanent certain education-related tax incentives)

At the appropriate place, insert the following:

SEC. ___. PERMANENT EXTENSION OF CERTAIN EDUCATION-RELATED TAX INCENTIVES.

(a) REPEAL OF SUNSET ON AFFORDABLE EDUCATION PROVISIONS.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title IV of such Act (relating to affordable education provisions).

(b) PERMANENT EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''In the case of taxable years beginning during 2002, 2003, 2004, 2005, 2006, or 2007, the deductions'' and inserting ''The deductions''.

Mr. SMITH. Madam President, I rise today to offer an amendment to H.R. 2, the Fair Minimum Wage Act. My amendment would make permanent existing education tax benefits that are set to expire in the near future.

I am a big supporter of the Republican progrowth tax policies that have been implemented over the past few years. These policies have had a tremendous impact on our economy. Since August 2003, more than 7.2 million jobs have been created.

Our unemployment rate remains low at 4.5 percent, which is well below the 5.1 percent average rate for 2005, and below the average of each of the past four decades.

And thanks to our strong economic growth, tax revenues continue to pour in. Tax receipts in December were $18 billion higher than a year earlier.

My amendment focuses on an important component of the Bush tax cuts—education tax benefits. This amendment would make permanent a number of important tax provisions that make it easier for Americans to save for college and pay for their children's education expenses.

Educating our citizens is critical if we want to remain competitive in the global economy. But as tuition costs continue to escalate, it has become more and more difficult for American families to cover these expenses on their own.

The education tax benefits that have been enacted over the past few years will help American families meet these obligations. Therefore, it is important that we don't let these tax benefits expire.

My amendment would make permanent the deduction for qualified tuition and related expenses which is set to expire at the end of 2007. The 2001 tax act created this new deduction which allows middle-income Americans to take a deduction for higher education expenses of up to $4,000.

In 2004, over 4.5 million American families took advantage of this deduction. And in my home state of Oregon, almost 65,000 families used the deduction.

In addition, if certain requirements are satisfied, an employee can exclude from gross income up to $5,250 annually of educational assistance provided by an employer. This exclusion applies to both graduate and undergraduate courses.

Because of this favorable tax treatment, many employers provide their employees with educational assistance. However, the exclusion will not be available after December 31, 2010. My amendment would make this provision permanent.

Coverdell education savings accounts are an important tool for Americans to save for future education expenses. The 2001 tax act made a number of reforms to enhance these accounts. For example, it increased the annual contribution limit to $2,000 from $500 and expanded the definition of qualified expenses to include elementary and secondary school expenses.

However, like the exclusion for employer provided educational assistance, these enhancements expire after 2010. My amendment would make these enhancements permanent.

Finally, the recently enacted tax extenders package extended the deduction for educator expenses through 2007. This provision provides a $250 per year above-the-line deduction for teachers for expenses paid for supplies, such as books and computer equipment.

Teaching is one of the most important professions in our society. And this provision provides teachers with a little help in purchasing the supplies they need to be good teachers.

In Oregon, over 33,000 teachers benefited from this deduction in 2003. And my amendment would make this provision permanent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 116 TO AMENDMENT NO. 100

Mr. ALLARD. Madam President, I ask unanimous consent the pending amendment be set aside and I call up amendment numbered 116 and ask for its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 116.

Mr. ALLARD. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 116

(Purpose: To afford States the rights and flexibility to determine minimum wage)

At the end of section 2, add the following:

(c) STATE FLEXIBILITY.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

''(h) STATE FLEXIBILITY.—Notwithstanding any other provision of this section, an employer shall not be required to pay an employee a wage that is greater than the minimum wage provided for by the law of the State in which the employee is employed and not less than the minimum wage in effect in that State on January 1, 2007.''.

Mr. ALLARD. Madam President, I rise today to ask my colleagues to support amendment No. 116, which I will discuss.

This amendment allows States the rights and flexibility to determine a minimum wage that works for them. Every State has its own microeconomy, and the voters and legislatures in those areas have decided what works best.

This is reflected in a map I have for demonstration purposes, reflecting the number of States in green that have higher wage rates than the minimum Federal rate. It reflects in blue the States with wage rates the same as the Federal rate. We have American Samoa, which has a special minimum wage rate, and States with no minimum wage rate, which are very few, by the way. They rely on the Federal, in that case, where they do not have one. And States with a minimum wage rate lower than the Federal, again, the State is preempted.

I rise to point out that the merits of increasing the Federal minimum wage, for better or for worse, for days on end—there is no debate on the cost of living, and wages greatly differ from State to state.

In its current form, the bill attempts to blindly blanket the Nation with a new Federal minimum wage without

regard to unique economic conditions of each individual State. Effective on January 1 of this year, my own home State of Colorado increased its wage from $5.15 an hour to $6.85 an hour. But they went further than that. This new wage will adjust annually with inflation as measured by the Consumer Price Index in my own State—in this case, the State of Colorado.

During the course of the 109th Congress, the Senate considered a range of different minimum wage proposes. I evaluated each on a case-by-case basis. As a former small business owner, I recognize the financial challenges many families face, both those who are employed by the small business, as well as those struggling to keep their small business working. I also recognize the importance of small business to our Nation's economy and the chilling effect that increasing operating costs can have on the growth and ability to create jobs.

In my small business, for example, I hired a large percentage of employees whose first job was working for me. I was able to incorporate them into my business because, in some cases, because of their lack of job experience, I was willing to bring them in at a relatively low wage, give them an opportunity to improve themselves, which usually didn't take long—a month, 2 or maybe 3 months—and then begin to increase their wages as they increased their performance. This helped for morale in the business, and they felt like they were treated fairly. And it worked out very well.

We ran into problems when I was forced to raise the minimum wage, and I had to look at those employees in my small business who were full-time employees and expand the responsibilities of what my expectations were during their time of employment, at the expense of part-timers, and I laid off a few part-timers in the process, until I was able to grow the business a little more and I was able to begin to bring on some of the part-time employees again.

That is my personal experience and that reflects my view on increasing the minimum wage and why I think it has an adverse effect, particularly on those trying to move into the workforce. I have long been a supporter of legislation to help small businesses, and I do not wish to overburden our small businesses. Last year, I supported Senator ENZI's small business health plan legislation to give small business and their employees relief from health care costs. I supported this bill as a way to help small business and will continue to support such good ideas in the future.

In my view, in order to stimulate economic growth and create better paying jobs, Congress should implement programs aimed at reducing taxes and Government regulations on small business. Less Government intervention, at all levels, enables the private sector to attract, recruit, and retain the best possible employees and reward increased productivity and responsibility with higher compensation.

Although I believe the market is capable of setting wages, States are better equipped than the Federal Government to determine what is a fair and equitable standard wage for their workforce because of their own economy within that State.

As my chart shows, letting States take the lead on this issue is working. According to the Department of Labor, as of January 1, 2007, the majority of States have opted to increase the minimum wage over the federally mandated $5.15 an hour.

According to the Economic Policy Institute, 28 States plus the District of Columbia have minimum wages above the Federal level in 2007. Washington State has the highest minimum wage at $7.93 an hour. Several States, including Connecticut, Massachusetts, and Oregon, have raised their minimum wage beyond $7.50 an hour.

If we are going to do this and do this right, we should be cautious in Federally mandating a one-size-fits-all minimum wage. We should allow States to take into consideration the needs of their economy. We should give States the rights and flexibility to set their own minimum wage. Costs of living and wages vary dramatically State to State. What is right for Wyoming is not necessarily what is right for Massachusetts. Imposing dramatic increases to the minimum wage on States poses a threat to local economies. States are better positioned than the Federal Government to set a wage that works best for their workforce. Whether the need is above or below the proposed $2.10 increase, State officials should have the right to decide. Local legislators are in touch with the business community and I think better represent the needs of the local labor markets. Allowing the minimum wage to be set by State legislatures is a better alternative to a Federal mandate. My amendment simply affirms the traditional definition of States rights and allows respective State legislatures the flexibility to determine employee pay benefits.

Let's allow the States to have a say and decide what is right for them. They are the closest to the people. Let's give States the right and flexibility to regulate minimum wage. A one-size-fits-all unfunded Federal mandate is not the answer to protecting America's economic security. I urge my colleagues to join me in supporting this amendment which gives States the flexibility to determine what is best for their citizens.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 104 TO AMENDMENT NO. 100

Mr. WYDEN. Madam President, if the distinguished Senator from Colorado is finished, I ask unanimous consent to set aside his amendment and call up an amendment I offer with Senator SMITH and Senator FEINSTEIN and Senator BOXER and ask for its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. SMITH, Mrs. FEINSTEIN, and Mrs. BOXER, proposes an amendment numbered 104 to amendment No. 100.

Mr. WYDEN. Madam President, 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 reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000)

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT.

(a) IN GENERAL.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in sections 101(a), 102(b)(2), 103(b)(1), 203(a)(1), 207(a), 208, 303, and 401 by striking ''2006'' each place it appears and inserting ''2007''.

(b) TERMINATION OF AUTHORITY.—

(1) SPECIAL PROJECTS ON FEDERAL LANDS.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in the second sentence by striking ''2007'' and inserting ''2008''.

(2) COUNTY PROJECTS.—Section 303 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended in the second sentence by striking ''2007'' and inserting ''2008''.

Mr. WYDEN. Madam President, in much of our country that is dependent on natural resources, there is a world of hurt today. There are tremendous concerns in many of our rural communities about how we are going to finance their schools and roads. In my State, more than 50 percent of the land is owned by the Federal Government. So we are not in a position to pay for schools and roads and essential services the way much of the rest of the country does because there, through transactions that occur on private property, they are able to generate the funds they need to pay for essential services.

When Senator SMITH and I go home, we are faced with a very different situation. Because a law I wrote a number of years ago with Mr. CRAIG, the distinguished Senator from Idaho, expired at the end of the year, we are seeing a number of our local communities face Draconian cuts in essential services.

The layoff announcements are going on right now as local districts and local communities come together and wrestle with how they are going to make the difficult choices with respect to funding essential services. Cuts in excess of 70 percent of discretionary funding are going to cripple one of our counties in rural Oregon, southern Oregon, Douglas County, which currently receives about 43 percent of its annual

budget from the law I authored with Senator CRAIG.

Another of our counties, Jackson County, again in southern Oregon, is prepared to shut down all of its libraries. That will be coming up very shortly.

In Curry County, they are looking at the prospect of laying off all nonessential workers, including patrol officers, some of whom would be left to perform only the mandated corrections duties. By June, 20 percent of the county workforce in Curry County will have been cut. So it is not clear with these cuts whether the county will even be able to continue to be a county, as it will not be able to provide a minimum level of services.

Road department levels are going to be reduced in areas such as Josephine County and Linn County.

I am going to be having community meetings this weekend on the Oregon coast.

Tillamook County is looking at layoffs in the sheriff's department and cuts to its road maintenance, jeopardizing roads that are critical to getting sawlogs to the mills and having family-wage jobs for workers in my State.

Senator FEINSTEIN and Senator BOXER join me in this. There are stories like this from across the country. Over 700 counties in 39 States have received critical funding from the county payments program. The fact is, in a State such as ours, where the Federal Government owns more than 50 percent of the land in many of these small communities with tiny populations, they are not going to be able to make it without these funds that are a lifeline in terms of law enforcement and schools and essential road and transportation services.

This is my top priority—my top priority—for my State in this session, to try to make sure these funds are reauthorized. In this particular amendment, Senator SMITH and Senator BOXER and Senator FEINSTEIN and I want to reauthorize the program for 1 year. But I am also introducing legislation for a long-term reauthorization because I think we ought to get these counties off the roller coaster once and for all.

This is based on an approach that was adopted many years ago with States that had widespread Federal ownership getting funds that related to timber receipts. As a result of the environmental laws, those receipts went down, and we needed this law to ensure that those counties would survive.

So the county payments legislation is supported by a diverse coalition, including the National Association of Counties and a number of labor organizations.

If Senators, particularly in rural communities, look now—as I have been in townhall meetings and other kinds of gatherings—at how we are going to support schools and roads and basic local government, I would only say that without this program, this will hit local communities like a wrecking ball. It is something that should not be abided by this Senate.

I see my colleague from Oregon, my partner in this and many other issues, standing, and I would like to yield at this time. After Senator SMITH has completed his remarks, I will wrap up very briefly. I would also note that Senator REED was here earlier, and I was not aware that he was in the queue as well, and I want him to be able to speak soon in a way that is convenient for him.

So I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Oregon.

Mr. SMITH. I thank my colleague, Mr. President.

I join Senator WYDEN in saying this is my No. 1 priority as well. It is an emergency. It is not a natural disaster, but it is related to natural resources. It is a disaster that has been in the making through the course of a decade and more of Congresses, courts, and, obviously, the effort of the Clinton administration to reduce timber harvest on public lands in the Pacific Northwest. That has created a circumstance in the Pacific Northwest that Senator WYDEN and I seek to address. We do so because it is such an emergency. We have to look for every opportunity, every train that is leaving the station, to bring this to the attention of Congress and to get it to President Bush, who has said he will sign an extension.

For the benefit of the record, let me indicate some of the history of this issue. All of this was done with the best of intentions as it relates to natural resources and the management of public lands. It was done to benefit the spotted owl, threatened species under the Endangered Species Act. I should add that after 15 years of negligible harvest on public lands, the owl is still not recovering and its habitat is being incinerated by catastrophic wildfire.

Whether tacit or intentional, those management decisions have caused severe costs that are borne on the backs of those who can least afford it. These people and communities need relief as much as those burdened by other disasters, such as hurricanes or tidal waves.

The timber war has had many casualties. It has been a catastrophe for rural communities. County governments, colleagues, receive a share of timber receipts from Federal lands—25 percent from the Forest Service and 50 percent from BLM. The State Senator WYDEN and I represent is more than 50 percent owned by the Federal Government. What you have, therefore, is timber-locked communities.

For generations, these timber receipts have provided funds to offset the fact that local communities cannot tax the Federal Government. It makes up the vast majority of their funds to operate their counties, their schools, public safety. When timber harvest evaporated, so did county budgets.

In 1999, my colleague from Oregon, Senator CRAIG from Idaho, myself, and others came to this floor to describe what was happening to rural Oregon. Schools went to 4 days a week. They dropped sports and extracurricular activities and curtailed other programs. Communities were forced to make heartbreaking decisions over whether to cut social service programs or school funding or to sharply reduce sheriffs' patrols and close jails.

Fortunately, Congress created a safety net in the Secure Rural Schools and Community Self-Determination Act of 2000. This provided funding to counties based on historic rather than current timber harvest levels, and it kept them afloat until the Federal timber program stabilized—a stabilization for which we are still awaiting.

I realize other States may think Oregon receives too much assistance under this program; however, I would ask, what other Federal disaster assistance is not allocated based on the intensity and location of the disaster? You go where the problem exists. Between 1987 and 2002, Federal timber harvest in Oregon dropped 96 percent. That is an annual shortfall of enough wood to build over 235,000 homes.

Without a county payment safety net, here is an example of what my county commissioners are facing. Curry County, located on the southern Oregon coast, has an annual general fund of $7.7 million. The safety net accounts for over $4 million of that $7 million. The county is not legally able to raise property taxes, but it is constitutionally bound to fund administrative and law enforcement functions. Curry County has 11,000 homes. To replace the safety net funding with new property taxes, it would need over 35,000 new homes valued at $345,000 each. That is not going to happen. With only 22,000 residents and 1.43 percent of its land available for development, this is simply an impossibility.

But the safety net is not just about Oregon counties. In the life of the legislation, California received $308 million; Idaho, $102 million; Montana, $63.4 million.

That program expired on our watch 4 months ago. Now rural counties across the Nation are dangling on an economic tightrope without a safety net to catch them. My colleague from Oregon and I have left no stone unturned to find money for an extension. Those efforts have been unsuccessful. We stand here with our timber-dependent counties at the mercy, once more, of the Federal Government. If we do not extend the safety net, many counties in my State stand to lose nearly 70 percent of their general and road funds.

Preparations are already underway to close public libraries, pink slips to thousands of county employees will soon be in the mail, vital search-and-rescue operations will be curtailed. The Nation has seen these search-and-rescue operations go tragically in several cases recently on national TV.

Oregon has lived with devastating Federal mandates on our forests, but

we cannot live with an instant evisceration of our public services. That cannot be the rural legacy of this Congress.

My colleague from Oregon and I have filed this amendment to the minimum wage bill to provide a 1-year extension of the safety net. It is only fitting that as we consider raising wages for workers in the private sector, we address the very future of jobs and services in the public sector.

We are also introducing legislation for a full reauthorization, and we will make every attempt at every opportunity in this Congress to turn back the tide that is quickly approaching rural communities and counties across the Nation. We can prevent this natural disaster, a natural disaster that has a human component. I join with my colleague to express our determination and thank him for his leadership, his authorship of this in the first instance, and of our mutual determination for the sake of our State to right this wrong.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. I thank my colleague for his comments and his thoughtfulness. Before I make my concluding remarks on our amendment, I ask unanimous consent for Senator JACK REED to speak after I have concluded.

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

Mr. WYDEN. To wrap up briefly, Senator SMITH has stated it well. I am very honored to represent Oregon in the Senate. I have been able to get into a host of issues that I think are important, particularly as a member of the Finance Committee, to fix health care and fix the out-of-whack American tax system. I serve on the Intelligence Committee. But Senator SMITH and I have said this is our most important issue for our State for this session because, without this funding, there is a real question about whether these local communities can hang on. They simply have no other options. You are not going to be able to go to a small resource-dependent community in eastern Oregon and set up a biotechnology company in the next few weeks. It is not going to happen. I support those kinds of industries and economic development, as does my colleague. It has been a big part of our bipartisan agenda. But we are talking about survival for these rural communities. This will be our top priority for this session.

This has also made a great contribution in terms of bringing together people of differing views on natural resources. As part of the legislation that I authored with Senator CRAIG a number of years ago—as Senator SMITH has noted—we set up resource advisory committees so that you now have folks in the timber industry talking to environmentalists who in the past were, for the most part, spending their days in the courthouses suing each other. Now they are working together to cooperate through the legislation that we have put in place. This has been recognized as a wildly successful natural resources law, bringing about cooperation that, prior to this law going into effect, was seen virtually nowhere.

It is a stable, consistent source of funding for communities that have nowhere else to turn, affecting communities in 39 States, but it is also a program that has brought together a unique kind of cooperation between people in the natural resources area who in the past would spend an awful lot of time running what I call a lawyers full employment program, essentially suing each other in the Federal courthouse.

We are going to be back on the floor for whatever number of times it takes to get this program reauthorized and take these rural communities off this roller coaster. They ought to be able to know that they can survive, and they can survive as they have over many years through a program that was tied to the unique consideration that the Federal Government owns most of our land. That is what this is all about. This is different than how people may pay for schools and roads and essential services in parts of the eastern United States where there is little Federal ownership.

We ask that the Senate not ignore the plight of rural America, particularly the rural West, as we continue forward with the legislative calendar.

AMENDMENT NO. 104 WITHDRAWN

I ask unanimous consent that this bipartisan amendment be withdrawn. We will be back another day. But I ask unanimous consent that the amendment I have offered be withdrawn.

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

The amendment is withdrawn.

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank Senator WYDEN for arranging for my time. I rise to address my strong support for the increase in the minimum wage that we are debating today in this Chamber. Minimum wage workers deserve this long overdue raise. The minimum wage, which today stands at $5.15 per hour under Federal law, hasn't increased since 1997. Since then, inflation has entirely eroded that pay raise. In the meantime, the pay of CEOs of large corporations has increased to an average of $10.5 billion per year, about 369 times the average wages of a worker and 821 times the average wage of a minimum wage worker. That discrepancy, that disparity, that growing bifurcation between the very well compensated and struggling families in America cannot be tolerated any longer.

This legislation would raise the minimum wage to $7.25 over the next 2 years. This measure is important because workers have been left out of the economic growth that we have seen so far in this limited recovery that we are experiencing. Strong productivity growth has translated into higher profits for businesses, not more take-home pay for workers. And this is not just the low, entry-level workers. This is very far up the income range for working Americans. The stagnation of earnings in the face of soaring prices for health care, education, and food is squeezing the ability of families to meet their demands, of providing opportunities for the children. In fact, for the first time in my lifetime, I am beginning to sense that so many people are worried whether their children will be able to enjoy the same level of progress of income, of housing that they have, a fact that they took for granted.

No one who works full time should have to live in poverty, but the current minimum wage is not enough to bring even a single parent with one child over the poverty line, even if the parent works full time 52 weeks a year. That should never be the case in this country.

Five million more Americans have fallen into poverty since President Bush took office; 37 million Americans are now living in poverty, including 13 million children. And we know what the effects of poverty on children are. It impedes their ability to succeed in school. It deprives them of some of the experiences that we think are essential for their progress. Ultimately, it impairs their ability to contribute to this country as workers but, more importantly, as citizens, to fully participate, to bear the responsibilities of this great country. An unacceptably low minimum wage is a key factor in the problem of poverty in our country. This measure would go right to that problem in a very efficient way.

People who are working deserve to be rewarded for their work, deserve to be out of poverty. Congress is failing to catch up with reality. Many States have taken it upon themselves to raise their minimum wage. During the election this past November, six States passed ballot initiatives—not just a legislative effort but the voice of the people of those States—to raise the minimum wage. Today 29 States and the District of Columbia have minimum wages above the Federal level, anywhere from $6.15 per hour to $7.93 per hour. In addition, the States of Washington, Oregon, Vermont, and Florida have gone so far as to index the minimum wage to the rate of inflation, allowing workers to share in the benefits of a growing economy.

Raising the minimum wage will make a real difference for working families, putting an additional $4,400 per year in their pockets. Almost two-thirds of those who would benefit are adult workers, more than a third of whom are the sole breadwinners for their families. More than 6 million children would benefit from this raise that their parents would receive.

One of the fundamental principles of our country and our economy is that people should be able to support their families by their efforts, by their labors, by their works. That is when the

economy is working well. That is the reality. Here we have a situation where there are people working two jobs sometimes, working 40 and 50 hours a week, who still don't have sufficient income to meet the demands of the family. Here in this country we should at least be able to guarantee to someone that if they are working that hard, they should at least be able to support their family out of poverty. That is at the core of what we are trying to do today.

While the minimum wage has remained stagnant—because it is not just a question of how much a family earns; it is also a question of how much they must pay to support the basic demands of life—we have seen, for example, health insurance premiums increase 87 percent since 2000 alone. How does one afford health care if your wages don't go up? These premiums now average roughly $11,000 per year, and that is more than the annual wages of a full-time minimum wage worker. Clearly, they are not going to be buying health insurance policies. And, by the way, I don't think they are going to be able to take advantage of the President's proposal for a tax deduction because, simply, they are not able to buy the health insurance in the first place, nor are they able to wait a year to get a tax deduction on a tax liability that is probably close to zero, if not, in fact, zero.

Additionally, if you look at college tuition, another aspect of family life which is part of the American dream, the notion, again, that you can go ahead and ensure or help at least your children to do better, to go to college, one of the things that recent economic studies have shown is that because we do not have the full access and affordability of college, the class structure is becoming more rigid. Back in the 1950s and 1960s, if you were predicting the income of a son based on his father's income, the correlation was somewhere at 20, 30, 40 percent. Today it is 60 percent. If you are a wealthy parent, you will probably have wealthy children. But the reverse is also true; if you are a low-income worker, the chances of your son or daughter rising to the top in this economy are much less than they were 40 and 50 years ago. Horatio Alger is not alive and well in America today as he once was.

This economy has to be more representative of giving people a chance to move up. The key to that, or one of the significant keys, is access to higher education. We have to do more. One thing at least we can do, if the prices of higher education are rising so much, is certainly to at least raise wages and raise the minimum wage.

Every day the minimum wage is not increased it continues to leave workers behind because inflation continues unabated at levels that are modest in terms of historical comparisons, but it still is eating away at that existing minimum wage. Today the real value of the minimum wage is more than $4 below what it was in 1968. Think of that. In 1968, we could afford to pay much higher wages to those people engaged in minimum wage work, and it didn't upset our economy. To have the purchasing power that it had in 1968, the minimum wage would have to be more than $9.37 an hour, not $5.15 as it is today, or even $7.25. If we could do it in 1968, why can't we do it today?

History also suggests that raising the minimum wage does not have a negative impact on jobs. You will hear a lot of people say this is going to distort the employment numbers, and it is going to inhibit employment.

In the 4 years after the last minimum wage increase passed in 1997, the economy experienced the strongest growth in over three decades. We have not seen that kind of growth since the late nineties or during this administration. But following the last increase, nearly 12 million new jobs were added, at a pace of about 248,000 a month. In contrast, in the most recent 4-year period, the minimum wage has remained stagnant and only a small fraction of that number of jobs has been created. Because of the increase in productivity, because of the fact that workers are more effective, they should be able to be compensated more. That is not happening as it should.

Working families are struggling to meet their most basic needs, and a fair increase in the wage floor is the right direction to take for this Congress. I am disappointed that our most recent efforts to clearly and simply raise the minimum wage are being linked to other provisions. American families deserve the much needed boost that this raise will provide. They deserve to hear a clear signal from this Senate that we are on their side, they are not an afterthought to be added to other provisions.

Mr. President, this is long overdue. I urge my colleagues to work as quickly as possible to pass the minimum wage increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am proud today to rise in support of the working men and women of this country. I am proud to speak for an idea whose time has long since come: Our lowest paid workers—people who drive this economy—deserve a raise. I will be proud to vote for a bill that gives them a raise, a bill that increases the minimum wage from $5.15 an hour to $7.25 an hour.

This raise is years overdue. Right now, the purchasing power of the minimum wage is at its lowest level in more than half a century, since Dwight Eisenhower was President and Bill Haley and the Comets topped the charts. The value of the current wage is 30 percent lower than it was 25 years ago.

I know a little something about earning minimum wage. I have had a number of minimum wage-type jobs—as a carhop, a highway worker, and as a pie cutter. If there are other pie cutters in the Senate, I would like to meet them. Of course, I was also a waitress to help pay for school. My career as a waitress came to an abrupt end when I spilled 12 ice teas on one customer. That is when I decided to go to law school. But I can tell you that job taught me how important it is for our leaders to look out for minimum wage workers.

Today, nearly 15 million American workers—more than 10 percent of the workforce—are counting on us to help them get a fairer wage. Almost 7 million of them would directly benefit because their hourly pay is below $7.25 an hour. Another 8 million with wages slightly above this level would also get a much needed boost.

In my State, Minnesota, more than 200,000 people are waiting for Congress to do its job.

Lifting the minimum wage is the fair thing to do. Working class families are getting left behind, even as corporations see record profits and corporate executives and the superwealthy see record salaries. If the minimum wage had increased at the same rate as the salary increases for CEOs, the rate would now be more than $23 an hour.

This is not just about kids working at fast food places, though they certainly deserve a better deal, too. Eighty percent of workers who would benefit from this bill are age 20 or older. More than half work full time. More than a third are their family's sole earners.

The bill we are debating today provides real relief to these workers and their families. Even as the purchasing power of the minimum wage has gone down, costs for working families have gone up, and they are still rising. Health care costs in our State have gone up 80 percent in the last 6 years. College tuition at the University of Minnesota has gone up 80 percent in the past 7 years. It is getting tougher to afford a house and to go to school. And gas prices are always a concern.

Wherever I go in Minnesota, I see people struggling with the brutal combination of declining real wages and increasing costs. At the lunch counters, gas stations, in the big cities, and at county fairs they talk about the need for help. This is the time for us to give them that help.

Lifting the minimum wage is also the principled thing to do. A raise means more money to these working families, and it sends a signal that we, as a community, value hard work and we insist on a fair deal for all Americans. That is a signal that the old leadership in Washington failed to send. With this bipartisan bill, we can tell our workers that we stand for the hard-working people of America.

Lifting the minimum wage is also the smart thing to do. It will decrease poverty, increase family buying power, and strengthen the consumer base in our communities. Some like to say that a minimum wage increase kills

jobs. People have consistently made this argument when the minimum wage is debated. They have consistently been wrong. States that have raised their own minimum wages have not seen job losses, and many have actually outperformed the rest of the country in job creation.

A raise would not only have positive economic effects, it will also have positive social effects. As a prosecutor, I saw firsthand how crime took over communities where people could not make ends meet. When people struggled, even after working hard, they often turned to drugs or violence or both. I learned how good jobs that pay fair wages can be the best crime-fighting tool.

Lifting the minimum wage is the fair, principled, and smart thing to do across the board. But it will also have a particularly powerful effect on women. Women make up less than half of the workforce, but they make up roughly 60 percent of those who will directly gain from this raise. More than 40 percent of these working women have full-time jobs.

Three million working mothers will see a benefit from this legislation, including hundreds of thousands of single moms. Many of these women work in demanding retail and hospitality jobs—waitresses, store clerks, hotel maids—where they are on their feet or running around all day.

Despite their hard work, they have an almost impossible time making ends meet. They struggle to afford health care or college tuition for their kids or even basics such as gas and groceries. I am in awe of these women. I am a working mother and wife, and I have worked at minimum wage, but I have never had to do both at the same time. Today, you can do something for them.

The challenges of working in the hospitality industry raise the final issue I would like to talk about today—the so-called tip credit.

Under current Federal law, tipped employees, including waitresses, bellhops, and maids, are entitled to a Federal minimum wage of only $2.13 an hour. They have to make up the difference between $2.13 and the real minimum wage with their tips.

States have always been allowed to change this rule. My State, Minnesota, similar to several others, has done that. The people of Minnesota decided that tipped workers should receive the same minimum wage as all other workers. That is now the law of Minnesota and six other States. Tipped workers earn the State minimum wage and pay taxes on both their wages and their tips.

Last year, the old Congress tried to take away Minnesota's right to enforce this law. The minimum wage bill proposed back then would have preempted State law and would have caused Minnesota's tipped wage workers' wages to immediately fall by about $4 per hour.

Thankfully, this provision didn't become law. Unfortunately, some people in Congress have talked about trying it again this year. They are seeking to pass a provision that limits Minnesota's future right to fix a fair wage for tipped workers. They think Washington knows better than the people of Minnesota what our State's wage policy should be.

I oppose these efforts. For one thing, the people of Minnesota had good reasons when they eliminated the tip penalty. They saw that tips are uncertain income, given at the discretion of the consumer. They recognize the hard work and long hours that tipped employees put in. They determined that customers give tips to reward service, not to directly pay the wages of the people who serve them. They wanted the State wage law to reflect these facts.

The people of Minnesota know about women such as Marie Hanson of Rochester. I have spoken with Marie, and her story is the best argument I can think of for making sure our tipped workers get fair wages. Marie has been a waitress at the Cahler Grand Grill in Rochester for many years. She has put two kids through school on her waitress salary, and now she is looking to save for her own retirement. If her wages are cut, or if she had been paid lower wages these past few years, her already difficult task of raising kids and making ends meet would have become impossible. For too long, Congress has favored corporations and billionaires who stash money in tax shelters in the Cayman Islands. Now it is time for Congress to pay attention to women such as Marie Hanson.

Against this backdrop, Washington should not undo the will of the people of Minnesota. States have always had the sovereign right to set their own wage policy above a Federal floor and for good reason. We all know that States understand the unique conditions and challenges they face in a way that Washington never can. And many States, including mine, have crafted their own minimum wage laws that are stronger and fairer than the current Federal law.

That is how it should be. If we take away Minnesota's right to determine wages for tipped workers, what is next? Will the people who are pushing this proposal seek to stop States from setting their own higher minimum wages? Will they subvert the will of the people in more than 25 States that have stronger laws than the Federal law?

People who would require Minnesota and like States to impose a tip penalty say they are doing it to help small businesses in these States compete against small businesses in neighboring States. But the exact same argument can be made of a Federal law forbidding all States from setting higher minimum wages. Is that the next step? I don't think so.

As somebody who visited all 87 counties in Minnesota last year, I understand very well the importance of small businesses to our communities. I wish to make sure that small businesses remain a vibrant driver of our economy. I know that the tip penalty concerns of small businesses in Minnesota, especially those in towns bordering other States, are real and they should not be ignored. But they are not best resolved here; they are best resolved much closer to home, in the State capital. Washington cannot possibly understand, let alone balance, all of the competing concerns that arise in this aspect of State wage policy. St Paul, MN, can. That is how it has always worked, and it should continue to work this way.

This is not to say that there are not small business issues common to all States that this Congress can address. I have talked with small business owners in Rochester and Duluth and Wilmer about the challenges they face, including high health care costs. I see the value of giving some relief and some incentives to small businesses trying to thrive. But Congress should not stop States from protecting tipped workers.

With all of this in mind, I urge this Chamber to fight for working families and especially the working women of this country. I urge this Chamber to pass a long-overdue minimum wage increase that doesn't deny or limit States historical right to pursue their own wage policy.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1:28 p.m., recessed until 1:36 p.m. and reassembled when called to order by the Presiding Officer (Mr. MENENDEZ).

Mr. ENZI. 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. BYRD. 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. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Maryland for—how much time?

Ms. MIKULSKI. For 5 minutes.

Mr. BYRD. For 5 minutes, or whatever time she desires, without losing my right to the floor.

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

Mr. BYRD. I yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to thank the distinguished chairman of

the Appropriations Committee for so courteously yielding me these 5 minutes. I know he is eager to bring his own thoughts to the Senate floor, and we, of course, are always mesmerized when Senator BYRD speaks.

I rise as an enthusiastic cosponsor of the fair minimum wage legislation. Right now, it pays $5.15 an hour. If you add that all up, 40 hours a week, 52 weeks a year, that comes out to $10,700 a year. That is $6,000 below the national poverty line. That is a phrase we throw around glibly, easily, and in a very facile way. When we use the term poverty line—I remember when it was invented by a wonderful woman at the Social Security Administration, Molly Orshansky. When we were truly fighting a war against poverty, she said: What is the line between being able to live a decent, sufficient life? She set it at that time, 40 years ago, at $3,000. Now the national poverty line is $16,060 for a family of three. That means bare minimum necessities to live in the United States of America. It doesn't allow for school trips. It doesn't allow for vacations. It is certainly not a latte-drinking, Volvo-driving minimum wage.

On top of asking the people who work at this, we are now saying: It is OK if a full-time job in the United States of America means full-time poverty. Where are our guts? Where is our grit? Where is our reward for saying that hard work is worth it? That is what we are saying now. Hard work should be worth it.

Now we are raising the minimum wage, and I salute the Senator from Massachusetts for his steadfast advocacy on this issue and for speaking up on how this is a woman's issue. There is a lot of hand-wringing over this raise, and I don't know why, because even when we raise it to what the Senate is proposing, to $7.25 an hour over a 2-year period, it still means workers will earn $15,080 a year. We are still going to be below the national poverty line. I would raise it more.

There are those who say: Let the market forces work. You bet, let the market forces work. But at the same time know that this has to be a minimum fair wage.

I am very distressed about the fact of the impact this has on women. If ever there was a woman's issue, wow, it is the minimum wage. Women are especially hurt by Congress's failure to raise the minimum wage. Forget that we don't increase equal pay for equal work, and we still make 75 cents for every dollar men make. Forget that we don't even enforce the wage laws that are on the books. But if we do recall, what my colleagues need to know is two-thirds of all of the minimum wage workers in America are women—two-thirds—meaning a full-time job, full-time poverty. Women account for full-time workers in the lowest paid jobs: maids and housekeepers, food servers and, most of all, childcare workers. What does that mean?

Mr. KENNEDY. Mr. President, would the Senator yield on that point?

Ms. MIKULSKI. Of course, I yield to the Senator from Massachusetts.

Mr. KENNEDY. If I could ask the Senator—I know we are on a short time and perhaps the Senator from West Virginia would yield us 3 more minutes? Would the Senator do that?

Mr. BYRD. Mr. President, I yield as much time as the Senators may desire.

Mr. KENNEDY. I thank, as always, my friend and colleague. But on this point the Senator from Maryland makes about the lowest paying jobs, the lowest paying jobs in America are predominantly filled by women is the point the Senator was making. We find 87 percent of maids are women; food servers, 66 percent; cashiers, 75 percent; and childcare, the point the Senator was making, is 93 percent.

The point the Senator has so eloquently made is that women have an interest in raising the minimum wage because of the enormous impact it has on women generally. I hope the Senator in her time will comment about the impact on the children of these women.

Ms. MIKULSKI. I say to my colleague from Massachusetts, other Senate women will be coming to the Senate today on this issue.

The Senator is absolutely right, raising the minimum wage will impact women. Our data analysis says 7 million women will benefit from the proposed increase in the minimum wage; 7 million women will take one more step out of poverty. We need to remember that many of these women are also single moms and get a double whammy. Not only are they working in a full-time job that guarantees full-time poverty, but often they don't get their child support.

We are asking them to raise their children below the poverty line in the United States of America. Then we diddle and dawdle and ditz around in terms of helping them collect their child support, yet we want them to give full-time energy to being a mom. We ask them for more parental involvement. These mothers want to have more parental involvement, but there has to be more Senate involvement getting these women out of poverty. Getting these women out of poverty will not come only from raising the minimum wage, but it is a very important step forward.

We want to ensure that if you work in the United States of America, it should be worth it. No. 2, when you do work and get paid, again, you were not below the poverty line.

The impact on families is astounding. If a family is poor, they will not have enough to eat. Nutrition plays a big role in child development and learning ability. You are not going to feel warm, you will not feel safe, you are not going to feel secure, and you also are going to wonder about this country regarding rewarding work.

The women of the United States of America deserve better. For those women doing well, we want to do right by those who aren't. A childcare worker right now working in Baltimore, working on the Eastern Shore, in the western Maryland mountains, or in Bethesda is working as hard as those working in the Senate or those downtown at law firms. We want to say to the women of the United States of America, we are on your side.

We want to make sure we pass this minimum wage. And to 7 million women, we hope you will sleep better and be able to live better because of what we are doing.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from West Virginia.

Mr. BYRD. How much time do I have, may I ask the Chair?

The PRESIDING OFFICER. There is no limit on the Senator's time.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the submission of S. Res. 39 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Louisiana be allocated 10 minutes; that following the Senator from Louisiana, I be allocated 10 minutes; and following my comments the Senator from Massachusetts, Mr. KERRY, be allocated 20 minutes.

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

The Senator from Louisiana.

Mr. VITTER. Thank you, Mr. President.

AMENDMENT NO. 110 TO AMENDMENT NO. 100

Mr. President, I ask unanimous consent that the pending amendment be set aside and that the Vitter amendment No. 110 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. VOINOVICH, proposes an amendment numbered 110 to amendment No. 100.

Mr. VITTER. Mr. President, 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 amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns)

At the appropriate place, insert the following:

SEC. ____. SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESS CONCERNS.

Section 3506 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended by adding at the end the following:

"(j) SMALL BUSINESSES.—

''(1) SMALL BUSINESS CONCERN.—In this subsection, the term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated under that section.

''(2) IN GENERAL.—In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of that agency shall not impose a civil fine on the small business concern unless the head of the agency determines that—

''(A) the violation has the potential to cause serious harm to the public interest;

''(B) failure to impose a civil fine would impede or interfere with the detection of criminal activity;

''(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

''(D) the violation was not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

''(E) except as provided in paragraph (3), the violation presents a danger to the public health or safety.

''(3) DANGER TO PUBLIC HEALTH OR SAFETY.—

''(A) IN GENERAL.—In any case in which the head of an agency determines under paragraph (2)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (2)(E), determine not to impose a civil fine on the small business concern if the violation is corrected not later than 24 hours after receipt by the small business owner of notification of the violation in writing.

''(B) CONSIDERATIONS.—In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of an agency shall take into account all of the facts and circumstances regarding the violation, including—

''(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

''(ii) whether the small business concern has made a good faith effort to comply with applicable laws and to remedy the violation within the shortest practicable period of time; and

''(iii) whether the small business concern has obtained a significant economic benefit from the violation.

''(C) NOTICE TO CONGRESS.—In any case in which the head of an agency imposes a civil fine on a small business concern for a violation that presents a danger to the public health or safety and does not provide the small business concern with 24 hours to correct the violation under subparagraph (A), the head of that agency shall notify Congress regarding that determination not later than the date that is 60 days after the date that the civil fine is imposed by that agency.

''(4) LIMITED TO FIRST-TIME VIOLATIONS.—

''(A) IN GENERAL.—This subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by an agency if that small business concern previously violated any requirement regarding collection of information by that agency.

''(B) OTHER AGENCIES.—For purposes of making a determination under subparagraph (A), the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.''.

Mr. VITTER. Mr. President, I rise in support of this amendment No. 110. It is very simple, very straightforward, very basic, but also very important. It is to reduce, in a meaningful way, the excessive paperwork burden facing small businesses.

As I begin, I also want to thank Senator VOINOVICH for cosponsoring this amendment. As have I, he has long been at work on this issue and has offered great leadership. I thank him for joining with me in this effort.

Businesses face enormous hurdles and obstacles and challenges, particularly small business. Unfortunately, one of them has become the enormous paperwork burden created by all levels of government. A small business in Louisiana, depending on the nature and location of the business, has to deal with myriad Federal agencies. Just off the top of my head, these include the EPA, U.S. Army Corps of Engineers, Coast Guard, SBA, Labor, Commerce, IRS, and Customs, to name a few. That doesn't include—and my amendment doesn't pertain to—all of the State agencies with which they similarly have to deal and file paperwork because of regulations from local entities at the governmental level.

The compounded effect of this is enormous. All of those requirements, paperwork and others, can be absolutely suffocating. There has been some quantification of this enormous compliance cost. In September 2005, the SBA Office of Advocacy released a study that gave us a glimpse into this. It said businesses with fewer than 20 employees spend more than $7,600 per employee just to comply with Federal regulations. That is a staggering cost. To a truly small business that doesn't have a vice president in charge of compliance, doesn't have a team of lawyers or a team of paper filers in the back office to take care of it, that is a real burden. It distracts the principals of the business from doing what they set out to do, the main focus and mission of the business.

All too often, the way those regulations and requirements are administered is in the tone of a ''gotcha'' game, fining small businesses for paperwork violations just to say ''gotcha,'' just for the sake of doing it, of issuing those violations and in some cases of gaining revenue for the department of government. All of that is wrong, and we need to change it.

Nobody here—myself included—is arguing that we don't need a legitimate layer of regulation to protect and promote health and safety, the environment, worker safety, et cetera. Nobody is arguing against that. That is not what we are talking about. What we are talking about today is an amendment I offer on the minimum wage bill which includes provisions I introduced separately as the Small Business Paperwork Relief Act of 2007. I thank Mr. NEUGEBAUER of Texas in the House for introducing identical companion legislation, as we both did in the last Congress. Again, this is basic, straightforward, simple, but very important to small business.

This is exactly how it would work. It would direct Federal agencies not to impose civil fines for a first-time violation of their agency's paperwork requirements by a small business unless the head of the agency determines the following: the violation has the potential to cause serious harm to the public interest; not issuing a fine may impair criminal investigations; the violation is a violation of Internal Revenue law; the violation is not corrected within 6 months; or the violation presents a danger to public health or safety. In addition, the amendment says that fines can be waived in the case of a violation that could potentially present a danger, if the violation is corrected within 24 hours of the small business receiving notification of the violation. It is important that the first list of those possibilities are mandatory. An agency can't issue civil fines for a first-time violation unless one of those things happens. But the second part of it—fines can be waived unless corrected within 24 hours—is discretionary. A fine doesn't have to be waived in that instance by the appropriate Federal regulatory agency.

This is very constrained, very limited, very common sense. Again, the most important part of the provision is, it is first-time violations. It is a small business. It is civil penalties only. We are not talking criminal. We are not talking a big business with a big compliance section. We are not talking a mandatory waiving of fines for health and safety violations where it goes to public health.

This is not only a reasonable thing to do, it is long overdue considering the enormous compliance costs I alluded to before—$7,600 per worker for a small business of 20 employees or less—just to take care of Federal requirements. That doesn't count State or local. We are only dealing with Federal because we are the Federal legislature.

This bill is particularly relevant to my home following the devastation of Hurricanes Rita and Katrina. The small business base in Louisiana was devastated by those horrific events. In many areas, small businesses are starting from scratch, and the whole community of small businesses is starting from scratch as it begins to recover from that destruction. Particularly in that context, they need this sort of reasonable relief—limited, focused civil fines only, first-time violations only, small business only, only mandatory waiver when it doesn't involve a threat to public health and safety, all of the very strenuous and carefully outlined requirements I set out.

I hope everybody in this Chamber can come together to support this commonsense proposal. In a broader vein, I hope this is a part—not the only element but a part—of our coming together to pass a minimum wage increase with small business regulatory

and other relief. We should not do one or the other in this context; we should do both. That is the reasonable bipartisan compromise which I hope we are moving to on the Senate floor—yes, a minimum wage increase; yes, real and meaningful regulatory and other relief for small business such as the commonsense paperwork reduction act.

In addition, I hope that small business relief involves relief in an area that is most important to small business and so many millions of Americans; that is, the ability to access and afford health insurance. We will have amendments about that as well.

I urge all Members of the Senate to support this modest commonsense but important measure. I urge all Members of the Senate to come together to support a minimum wage increase with real relief for small business, whether it is dealing with paperwork, whether it is affording or accessing health care insurance—all of those important things small businesses face while continuing to be the engine of job creation, the backbone of our Louisiana and American economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, America's workers deserve a raise, and that is why I rise in strong support of S. 2, the Fair Minimum Wage Act of 2007. America's workers have helped our country make tremendous gains in productivity and economic growth, and they deserve to share in the prosperity they have created. I am very proud to represent a State that has a high minimum wage, and I want to share some of the lessons we have learned about providing a living wage in the State of Washington.

We need to do the right thing and pass a clean minimum wage bill now, without any of the antiworker amendments that may be offered on the other side. As we have heard, it has been almost 10 years since this Congress last raised the minimum wage. During that time, the real value of that wage has fallen by more than 21 percent. At the same time, the costs of health care, energy, and housing have all gone up significantly. As a result, many of our middle-class workers have been squeezed. I can only imagine the challenges minimum wage workers face every day while trying to maintain their families and their dignity on $10,000 a year. We can be proud that America's businesses have prospered over the last decade, thanks to a 31-percent increase in worker productivity and a huge 47-percent increase in profits. Now it is time for the least paid of America's workers to share in those gains.

During this debate, we have heard the usual claims that raising the minimum wage hurts businesses. In my State, that has not been the experience. Washington State, in fact, has the highest minimum wage in the country. We are living proof that a livable minimum wage is good for our State economy, good for small businesses, and it is good for our citizens. In 2006, our State's average unemployment rate was 4.9 percent, the lowest since 1999. We created 79,000 new jobs. Our poverty rate is 11.9 percent, which is lower than the national average. And our median household income stands at $49,000, much higher than the national average.

Our State minimum wage, which is indexed to inflation, has helped make for good labor productivity and a healthy economy. We have heard from my esteemed colleague, Senator KENNEDY, chairman of the HELP Committee, that States with higher minimum wages create more small businesses and more jobs. Last year, the Fiscal Policy Institute reported that States with a higher minimum wage created nearly 10 percent more jobs and 5 percent more small businesses. A May 2006 Gallup Poll found that 86 percent of small business owners thought that raising the minimum wage did not affect their businesses. I could cite statistics like that all day, but I think the best evidence is really what continues to happen in my State compared with a neighboring State that has a much lower minimum wage.

Washington State's minimum wage is $7.39 an hour. Right next door to us, Idaho has a minimum wage at the Federal level of $5.15 per hour. Since 1998, when our voters in Washington State passed our minimum wage law, Washington employers have been flooded with job applicants from Idaho. Now Washington companies can pick the best qualified workers from the entire region. On January 11, the New York Times reported that Washington State businesses have seen great benefits, while Idaho businesses have not.

I ask unanimous consent to print this New York Times article by Timothy Egan in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mrs. MURRAY. This article quotes Don Brunell, president of the Association of Washington Business. He says that raising the Federal minimum wage is ''almost a no-brainer.'' Washington's strong economy is proof that even with the highest minimum wage in the United States, as Mr. Brunell put it—and he is president of the Association of Washington Business—''Washington is a great place to do business.''

Some people predicted that small businesses would be hurt in my State. But instead, as the article notes, they have prospered beyond their expectations. So we have a lot of opportunity to do good here, not just for our workers but for our businesses and for our economy. But to do the most good, we have to pass a clean bill, one that is free from unrelated tax provisions and one that rejects antiworker amendments.

Historically, Congress has not found it necessary to pair a minimum wage increase with a package of tax giveaways. In fact, since 1936, Congress has raised the minimum wage nine times. But only once has such an increase been paired with a tax rollback. We should pass a clean bill that gives workers the raise they are long overdue.

In addition, we should not let this bill be used to weaken the rights of American workers. As the chairman of the HELP Subcommittee on Employment and Workplace Safety, I am troubled by a number of the amendments being floated now by our Republican colleagues, proposals to attack the 40-hour workweek, to take away workers' overtime, and to force a pay cut on workers who earn their living from tips. There is also a deeply flawed proposal that would change the treatment of professional employer organizations under the Tax Code.

This week, while we try to raise the wages of one group of workers, we have to fend off the Republican attacks on working families and their right to earn overtime. We all know how the demands of work and family pull two-career parents away from their loved ones all too often. For parents getting their kids to and from school and to afterschool activity is not easy, especially when you are forced to work uncertain hours. The uncertainty of having to work, say, 50 to 60 hours this week and then 20 or 30 hours next week will put incredible strains on many of our overburdened families.

Taking away their workplace rights and their ability to collect overtime would be a cruel and unwarranted double hit on America's working families. The Senate should, once again, reject the Republican comp time and 40-hour work week proposals, because they would force a pay cut on millions of middle-class workers. We know, for those workers who are eligible, overtime can amount to as much as 25 percent of their yearly income. We should not undermine the ability of working parents to balance their lives and share in the American dream.

The Republican comp time proposal would force our workers to take comp time instead of pay. On top of that pay cut, workers would be at the mercy of their employer when it came to asking to use that accumulated comp time. We all know that comp time often disappears under employer pressures of deadlines and other productivity needs.

I believe it is important that this Congress protect the rights of these hard-working families from an erosion of their quality of life and their ability to spend time with their families. We have to stop these attacks on working families and start moving in the right direction, like expanding the Family and Medical Leave Act.

I hope we also work to protect our workers who rely on tips. As we have heard from my female colleagues on this floor already, nearly two-thirds of

our minimum wage workers in this country are women. Many of them are single parents. Raising the minimum wage can give them a small measure of economic security and the ability to better support their families. Many of these low-wage workers are service workers, people such as hairdressers, maids, and waitresses. Many in Washington State rely on tips as a significant part of their livelihood. We should not support amendments that would undermine the tips our workers rely on. In my State of Washington, that would mean a pay cut of some $12,000 annually for over 120,000 of our tipped workers.

Finally, I want to say I am very concerned about the proposed tax changes for professional employer organizations. I fear that this change could undermine the fiscal stability of our State unemployment insurance and worker compensation fund. It would also put more burdens on our employers who are already playing by the rules.

Further, it would reduce worker health and safety protections by undermining incentives for companies to maintain safe and healthy workplaces. By the way, it could also provide an opening for those seeking to change the well-established rules of the employer-employee relationship under the Fair Labor Standards Act. I believe there should be serious thought and debate in the Congress before we make such fundamental changes in our labor laws.

In conclusion, we can do this right by passing a clean bill that finally gives American workers the raise they have earned. Over the last 8 years, Washington State has proven that a minimum wage increase is good for our State's economy and helps our economic development. It increases small business ownership and, of course, it helps our workers maintain their quality of life.

I join my colleagues to urge a vote in favor of this bill to increase the minimum wage so that we can finally, and importantly, give our low-income workers the raise they so richly deserve.

I yield the floor.

EXHIBIT 1

[From the New York Times, Jan. 11, 2007]

FOR $7.93 AN HOUR, IT'S WORTH A TRIP ACROSS A STATE LINE

(By Timothy Egan)

LIBERTY LAKE, WA. Jan. 9.—Just eight miles separate this town on the Washington side of the state border from Post Falls on the Idaho side. But the towns are nearly $3 an hour apart in the required minimum wage. Washington pays the highest in the nation, just under $8 an hour, and Idaho has among the lowest, matching 21 states that have not raised the hourly wage beyond the federal minimum of $5.15.

Nearly a decade ago, when voters in Washington approved a measure that would give the state's lowest-paid workers a raise nearly every year, many business leaders predicted that small towns on this side of the state line would suffer.

But instead of shriveling up, small-business owners in Washington say they have prospered far beyond their expectations. In fact, as a significant increase in the national minimum wage heads toward law, businesses here at the dividing line between two economies—a real-life laboratory for the debate—have found that raising prices to compensate for higher wages does not necessarily lead to losses in jobs and profits.

Idaho teenagers cross the state line to work in fast-food restaurants in Washington, where the minimum wage is 54 percent higher. That has forced businesses in Idaho to raise their wages to compete.

Business owners say they have had to increase prices somewhat to keep up. But both states are among the nation's leaders in the growth of jobs and personal income, suggesting that an increase in the minimum wage has not hurt the overall economy.

''We're paying the highest wage we've ever had to pay, and our business is still up more than 11 percent over last year,'' said Tom Singleton, who manages a Papa Murphy's takeout pizza store here, with 13 employees.

His store is flooded with job applicants from Idaho, Mr. Singleton said. Like other business managers in Washington, he said he had less turnover because the jobs paid more.

By contrast, an Idaho restaurant owner, Rob Elder, said he paid more than the minimum wage because he could not find anyone to work for the Idaho minimum at his Post Falls restaurant, the Hot Rod Cafe.

''At $5.15 an hour, I get zero applicants—or maybe a guy with one leg who wouldn't pass a drug test and wouldn't show up on Saturday night because he wants to get drunk with his buddies,'' Mr. Elder said.

For years, economists have debated the effect that raising the minimum wage would have on business. While the federal minimum wage has not gone up for 10 years, 29 states have raised their wage beyond the federal minimum.

These increases, according to critics like Brendan Flanagan of the National Restaurant Association, are a burden on the small, mostly family-run businesses in fast food and agriculture that employ workers at the lowest end of the pay scale.

''We see the political momentum for this,'' said Mr. Flanagan, a vice president at the association, ''but we cannot ignore what our members are telling us, which is that it will lead to job losses.''

But the state's major business lobby, the Association of Washington Business, is no longer fighting the minimum-wage law, which is adjusted every year in line with the consumer price index.

''You don't see us screaming out loud about this,'' said Don Brunell, president of the trade group, which represents 6,300 members.

''It's almost a no-brainer,'' Mr. Brunell said, that the federal minimum should go higher. Association officials say they would like to see some flexibility for rural and small-town businesses, however.

Washington's robust economy, which added nearly 90,000 jobs last year, is proof that even with the country's highest minimum wage, ''this is a great place to do business,'' Mr. Brunell said.

During a recession five years ago, the same group had argued that Washington's high minimum wage law would send businesses fleeing to Idaho. The group sent out a news release with a criticism of the law from John Fazzari, who owns a family-run pizza business in Clarkston, Wash., just minutes from the Idaho town of Lewiston.

But now Mr. Fazzari says business has never been better, and he has no desire to move to Idaho.

''To tell you the truth, my business is fantastic,'' he said in an interview. ''I've never done as much business in my life.''

Mr. Fazzari employs 42 people at his pizza parlor. New workers make the Washington minimum, $7.93 an hour, but veteran employees make more. To compensate for the required annual increase in the minimum wage, Mr. Fazzari said he raises prices slightly. But he said most customers barely notice.

He sells more pizza, he said, because he has a better product, and because his customers are loyal.

''If you look 10 years down the road, we will probably have no minimum wage jobs on this side of the border, and lots of higher-income jobs,'' Mr. Fazzari said.

Job figures from both states tend to support his point. While Idaho leads the nation in new job growth, it has a far higher percentage of minimum-wage jobs than Washington. Minimum-wage positions make up just 2.4 percent of the jobs in Washington, while about 13 percent of the jobs in Idaho pay at or less than the proposed federal minimum wage, according to a study done for the state last year.

Part of the difference could be accounted for by a lower cost of living in Idaho and the higher percentage of technology, manufacturing and government jobs in Washington, economists say. Still, it is hard to find a teenager in Idaho who lives anywhere near Washington who is willing to work for $5.15 an hour.

''Are you kidding? There are so many jobs nearby that pay way more than minimum wage,'' said Jennifer Stadtfeldt, who is 17 and lives in Coeur d'Alene, which is just a few minutes from Washington. She pointed out that Taco Bell, McDonald's and other fast-food outlets in her town were posting signs trying to entice entry-level workers with a starting pay of $7 an hour.

The House today passed a bill increasing the minimum wage, and about 13 million workers would see a pay raise if the Senate and President Bush approve it. Mr. Bush has said he would approve the wage increase so long as concerns of small-business owners were taken into account; the Senate has not yet taken up the bill.

Several studies have concluded that modest changes in the minimum wage have little effect on employment. A study two months ago by an economist at Washington State University seemed to back the experience of Clarkston and other border towns in Washington. The economist, David Holland, said job loss was minimal when higher wages were forced on all businesses. About 97 percent of all minimum-wage workers were better off when wages went up, he wrote.

But other business groups argue that an increase would hurt consumers and workers at the low end.

In a survey released on the eve of the November elections—in which voters in six states considered raising their minimum wages—the National Restaurant Association said restaurants expected to raise their prices and eliminate some jobs if the voters approved the measures. The initiatives all passed.

Here on this border, business owners have found small ways to raise their prices, and customers say they have barely noticed.

''We used to have a coupon, $3 off on any family-size pizza, and we changed that to $2 off,'' said Mr. Singleton, of Papa Murphy's. ''I haven't heard a single complaint.''

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY, is recognized under the unanimous consent agreement.

Mr. KERRY. Mr. President, I thank my colleague Senator KENNEDY for his courtesy in helping to make it possible for me to have some time.

Mr. KENNEDY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, I know my colleague has already been recognized. There is no time limitation, is there?

The PRESIDING OFFICER. It was up to 20 minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent that he may be able to speak for as long as he needs to.

Mr. ENZI. There is no objection. I ask unanimous consent that following the majority's speakers, we give time for Senator DEMINT and Senator SUNUNU.

Mr. REID. Mr. President, I ask unanimous consent that I be recognized for a couple minutes, also. I would appreciate that.

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

The Senator from Massachusetts is recognized.

THE STRATEGY IN IRAQ

Mr. KERRY. Mr. President, last November, the American people sent an unmistakable and incredibly important message to their elected leaders. They didn't ask for it, they demanded a change of course in Iraq. The American people understand that the current strategy is not working. They have demanded that we honor the extraordinary effort of our troops by providing a strategy for Iraq that is actually worthy of their sacrifice. They don't consider more of the same—additional troops essentially doing what they have been doing before—they don't consider that anything other than an escalation of our military involvement, linked to the same mistakes and same illusions of the past. They don't consider that an acceptable strategy.

This new Congress comes here with a mandate, as well as a moral obligation, to find not just a new way forward in Iraq but the right way forward. That is what we owe the families; that is what we owe those fighting forces.

It is clear the administration's litany of mistakes has made an incredibly difficult task that much harder and has reduced what we can reasonably expect to accomplish. As the saying goes around here, we are where we are. The mistakes of the past do not change the fact that Congress bears some responsibility for getting us into this war and, therefore, must take responsibility for getting us out.

That responsibility starts by having a real bipartisan dialog on where we go from here. I believe we are finally at the point where that can happen. We all agree about the nobility of the service of our troops. We all agree about the incredible bravery of the men and women of our Armed Forces who put their lives on the line every single day in Iraq. We all want to see a stable Iraq. We all know Iraqis want to see it, too. We all agree on the need to preserve our vital national security interests in the region, and we all agree on the importance of preventing the violence in Iraq from spreading into a broader regional conflict. We all understand the need to prevent Iraq from becoming a safe haven for al-Qaida and like-minded terrorists. We all understand the potential of regional chaos and of failed states spreading one to the other.

In order to understand, however, where we go from here, we have to remind ourselves of the real nature of this conflict. It is not enough to sort of find some safe haven in rhetoric that points out all of the downsides but continues to pursue a policy that, in fact, increases those downsides, invites those downsides, actually makes matters worse.

The civil war we are in the middle of now didn't begin when we went there. It had been tamped down, quashed by a dictatorship and by history. Before I went back to visit the Middle East, I had the chance to read a book by Vali Nasr, called ''The Shia Revival,'' in which he traces the history of Shiaism and what is happening in the Middle East today. What we learned from that is instructive and critical to determining whether troops will make a difference on how we resolve what is happening in Iraq today.

When the Prophet Mohammed died, Ali, who was his cousin and stepson and virtual son, was passed over at that time to be the caliph. In fact, three people were chosen in between him. Ultimately, he did become the caliph, but that was the beginning of the difference of the separation, if you will, within Islam. That became far more pronounced about 1,300 years ago, around 680, when the grandson of Ali was slaughtered in the desert along with 72 of his followers—72, a number that comes back to haunt us today, because that was indeed an event in Karballah in 682 that defined martyrdom, which we see played to by the extreme religious efforts that are taking place today in the Middle East.

Why do I mention this today? Because that is where the great Shia-Sunni divide began. Ali and his followers were beheaded in the desert, their bodies left to rot in the sun. Their heads were posted, first in Najaf, and later in Damascus. That began to instill a depth of both anger and suppression that has gone on all of these centuries.

The fact is that we, through our invasion and our election, have given the Shia at the ballot box what they never could achieve all of those years, and the Sunni, who have continually been the dominant, more secular faction that managed the affairs of state, are suddenly finding themselves in the minority; many believe they were born to the right to rule and are determined to restore it. This is the civil conflict we have put ourselves in the middle of, with American troops who don't speak the language going door to door and house to house, attempting to somehow make sense of an alien environment they have been plunged into—from California, Kansas, Missouri, Massachusetts, and all of our States. We are doing precisely what Secretary Rumsfeld said we would not do—putting our troops in the middle of a civil war.

On my recent trip to the Middle East, I heard grave concerns expressed by Sunni leaders, Mubarak and others, about the Shia resurgence and Iran's growing influence in the region. Indeed, Iran's influence has grown, and we are partly responsible, if not significantly responsible, for that growth. We need to stand up for our allies in the region, our Sunni friends, yes. But we can and must do it in a way that doesn't exacerbate the Sunni-Shia rift in the region. That is why we have to ask more of our Sunni allies when it comes to pressuring the Sunnis in Iraq to accept that, with this turn of events called an election, they will no longer—absent a revolution, which some are planning on—be running the country, and that they must lay down their arms and join the political process.

We must make clear that countries such as Saudi Arabia can and must do more to crack down on support for those Sunni insurgents coming into Iraq from their country. We dare not forget that it is the Sunni insurgents who are killing many of our troops. Most of those troops have died in Anbar Province. We have a right to demand more from the Sunni neighbors to quell that insurgency. We must encourage those Sunni neighbors to step up in terms of providing debt relief and reconstruction assistance, and we must make clear that threatening to intervene in Iraq in a way that is perceived as being on behalf of the Sunni minority only serves to exacerbate the Sunni-Shia complexity, the tension that is causing so much of the violence today.

Now here in Washington, a combination of events on the ground and the November election results are beginning to produce a bipartisan resolve to genuinely change course. Many on both sides of the aisle now agree that the administration's plan to escalate the war in Iraq by sending in some 21,500 additional troops would represent a tragic mistake. It won't end the violence; it won't provide security; it won't turn back the clock and avoid the civil war that is in fact already underway; it won't deter terrorists who have a completely different agenda; it won't rein in the militias who are viewed as the protectors of the general population. It will simply postpone the political solution that is the only solution in Iraq, while further damaging our prestige and credibility in the region. Unfortunately, it will also expose our troops to unnecessary death and injury.

Our generals understand this. General Abizaid said clearly in his testimony before the Armed Services Committee that more U.S. troops will not

solve the security problem. In fact, he said they would only slow the process of getting Iraqi security forces to take more responsibility. The Joint Chiefs of Staff unanimously oppose this escalation. In fact, according to recent news reports, the Pentagon warned that any short-term mission may only set up the United States for bigger problems when it ends.

A short-term mission could give an enormous edge to virtually all the armed factions in Iraq, including al-Qaida's foreign fighters, Sunni insurgents and Sunni and Shiite militias, without giving an enduring boost to the U.S. military mission or the Iraqi Army. And it is not just the advice of his military commanders in Iraq the President is ignoring, it is the bipartisan counsel of the Iraq Study Group appointed for the very purpose of defining a new course.

Mr. President, what kind of arrogance so willfully kicks to the curb the work product of two former Secretaries of State, Republicans, a former Attorney General and Chief of Staff, Republican, a former Senator and member of the leadership, Republican, and a group of moderates, a former Secretary of Defense, and others respected for the moderation of their views on foreign policy and security issues? What kind of arrogance avoids almost all of those recommendations and moves in a different direction?

Rather than change course, this administration chose to ignore the generals. In fact, it chose to change the generals. The folly of this escalation is so clear that we have a bipartisan responsibility to do everything in our power to say no.

I ask my colleagues: Is there one colleague here who believes that 21,500 troops is going to pacify Iraq? Is there a colleague here who believes that 100,000 troops will pacify Iraq? It is not enough for Congress simply to go on record opposing the President's reckless plan. That is why I support the resolution submitted by my colleague, Senator KENNEDY, that requires a new congressional authorization, which is appropriate because the prior authorization only applies to the weapons of mass destruction and to the threat that Iraq poses to us based on the presence of Saddam Hussein. This is a new Iraq, and it is an Iraq with a civil war, and the Congress of the United States has a responsibility and a moral obligation to make certain that if our troops from each of our States are going to fight and die, we stand up and be counted as to what the force structure is to be, as to what their mission should be because this administration has proven unwilling to get it right.

Stopping this escalation, however, is not enough. I believe Congress has to provide a responsible exit strategy that preserves our interests in the region, preserves our ability to continue to protect the security of the United States, and honors the sacrifice our troops have made. I believe those are tests we need to pass.

Six months ago in the Senate, we stood against appeals to politics and pride and demanded a date to bring our troops home, to make Iraqis stand up for Iraq and fight a more effective war on terror. But while we lost that rollcall, I still believe it was the right policy to put in place, to demand benchmarks, to demand accountability, and to leverage action.

That is why I will again introduce legislation, slightly different this time, in order to try to offer a comprehensive strategy for achieving a political solution. I believe the strategy I will set forth is the best way forward for America and for Iraq. We have to find a way to end this misguided war and bring our troops home, and the legislation, while protecting all the interests I described, I believe can do that.

I believe the Iraq Study Group's recommendations can form the basis for finding a bipartisan way forward. Many of those proposals, which are consistent with proposals that some in the Senate have long advocated, are incorporated in the legislation I will offer, including launching a major diplomatic initiative, enforcing a series of benchmarks for meeting key political objectives, shifting the military mission to training Iraqi security forces and conducting targeted counterterrorism operations, maintaining an over-the-horizon presence to protect our interests supported by a concerted effort to disarm, demobilize, and reintegrate the militias which must be undertaken by Iraqis.

This legislation includes an additional provision that is a critical component of the strategy. I know a lot of colleagues were nervous about setting a date. Fewer are as nervous today. But I believe there is a way to require the President to set that date, negotiate that exit, a way to do it constitutionally and also within the context of the reauthorization.

I think that is not an arbitrary deadline. In fact, the Iraq Study Group report effectively sets a goal of withdrawing U.S. combat forces from Iraq by the first quarter of 2008, or within approximately 1 year. This date was based on the timeframe for transferring responsibility to Iraqi security forces set forth by General Casey and on the schedule agreed upon with the Iraqi Government itself for achieving key political security objectives.

The President even said that under that new strategy, responsibility for security would be transferred to Iraqis before the end of this year. That is how unarbitrary it is. The President has said it, our generals have said it, the Iraq Study Group has said it.

I wish to repeat this because it is important because it is continually distorted. We all want success, but we have to examine the realities of the road to success. An effort that combines diplomacy with smart deployment of our troops is the only road to success.

I ask my colleagues: Where is the diplomacy? Many of us can remember, under a Republican President, Henry Kissinger shuttling back and forth day and night working to bring an end to the Vietnam war. Many of us can remember Jim Baker, at the beginning of the decade in the nineties, when he took 15 trips to Syria alone, and on the final trip got President Asad to actually agree to support what we were doing. That is diplomacy.

We don't have that kind of diplomacy. We lack even a special envoy there day to day, hour to hour, leveraging the Arab League, leveraging the United Nations, working with the U.N. Perm Five, working with the neighboring countries, doing the kinds of significant, heavy diplomatic lifting our sons and daughters who are dying deserve.

As our combat troop levels wind down, we can have sufficient forces to confront the Sunni insurgency. We can still continue to prosecute al-Qaida, but our core security interests—the security interests of preventing another terrorist attack on our country—those interests lie where our troops can still play a positive role in confronting Sunni insurgents and their al-Qaida allies. That will happen when we focus on Al Anbar Province, not Baghdad.

It is time for Iraqis to assume responsibility for their country, and that is not just a statement. It has been 4 years, 300,000 troops are trained. When I talk with the military people, they don't tell me training is the problem. They tell me motivation is the problem. Those 300,000 troops are not prepared to die for an Iraq yet, and they are mostly local militia and/or local tribe affiliated, which is their true allegiance at this point in time.

We need a timetable which forces Iraqi politicians to confront this reality. Americans should not be dying because Iraqi politicians refuse to compromise and come together. If they are not willing to do it today with thousands of people dying around them, with this kind of sectarian violence, what will make them more willing to do that in a year? They are using the security blanket of American presence in order to avoid making those compromises, and we need to understand that and get about the business of leveraging the compromise that is the only solution to what is happening in Iraq.

I believe a deadline will actually help provide the Iraqis with the motivation and the pressure to step up and take control. General Abizaid made it clear that is essential to our strategy. The key to providing the motivation is making sure they, in fact, begin to take control and begin to define their own future.

As we give the Iraqis more control over their own destiny, we also have to hold them accountable for the fundamentals of leading their country on the construction, as well as the basic resolution, the political differences within the oil revenues, the federalism

issue, which are the two great stumbling blocks fundamental to a resolution.

Why the President didn't make the condition of providing additional security and putting additional Americans online, why he didn't make their resolution of those issues a precondition is beyond me. But American forces are now going to be put at greater risk, more kids at harm, without the fundamentals that are essential and that are completely out of the power of any squad or company or battalion to be able to resolve.

When Prime Minister Maliki took power in May, General Casey and Ambassador Khalilzad said the new Government had 6 months to make the political compromises necessary to win public confidence and unify the country—6 months last May. They were right. And yet with no real deadline to force the Government's hand, that period passed without any meaningful action, and we are now seeing the disastrous results.

To ensure history does not repeat itself, we need to put those benchmarks in place, and we need to have those benchmarks agreed upon. That is the least, again, we can ask on behalf of our troops.

I, also, believe a deadline is essential to getting Iraq's neighbors to face up to the realities of the security needs of the region. If we are going to be concerned about Iran, it should not be surreptitiously based on them using us. It should be all of us together defining a new security arrangement for the region. General Zinni has talked about that many times. He is one of the most respected hands in that region.

In addition, our own intelligence agencies tell us that the war in Iraq is fanning the flames of jihad, and we have to stop serving as an al-Qaida recruitment tool. When are we going to take that seriously in the Senate? We spent a lot of time and energy to reorganize the intelligence community. We supposedly have the best intelligence now, and that intelligence in the conglomerate is telling us that this current policy is putting America at greater risk because we are creating more terrorists, fanning the flames of unrest in the region, and creating a recruitment tool for al-Qaida in that region.

We can see the results. Hamas is more powerful now. Hezbollah and Nasrallah are more powerful today. Iran is more powerful today. Syria is more than willing to play with Iran than care about what the concerns might be of the rest of the region.

We have gone backward because of this policy. How can this administration stand up and say to us that we have to fear the security interests of the future, when the security interests of the present are moving in the wrong direction?

Afghanistan, where the diversion of resources to Iraq has already allowed the Taliban to rise again, is increasing as a threat to those long-term security interests. Osama bin Laden roams free while a regenerated al-Qaida continues to plot attacks on American interests, and the flourishing opium trade has turned the country into a virtual narcostate, funding insurgents and warlords and threatening the viability of the Karzai Government.

Now our generals in Afghanistan are warning, in the darkest possible terms, that the Taliban is poised to launch a major new offensive in Afghanistan, and they have issued an urgent appeal for more U.S. troops to fight back. Instead of sending 20,000 troops over to Iraq, we ought to be listening to our military commanders and give them the few thousand more troops they desperately need to deal with the Taliban in Afghanistan.

On the broader regional front, we clearly need to come to grips with the need to engage Iran in a way that not only deters Iran from nuclear and other military adventurism, but does not create another disastrous war that is not in our national security interest. I want to take one moment before closing to speak to that point.

I am hardly the only one in the Senate who is concerned about a terrible byproduct of the administration's escalation plan for Iraq. That byproduct could be movement towards a calculated military conflict with Iran, which would further destabilize the Middle East, fan the flames of intra-Muslim and Muslim-Western violence. In fact, many Americans are increasingly concerned that the administration's rhetoric regarding Iran sounds eerily familiar.

Congress must make it absolutely certain that we do not make the same mistake we made in rushing to war with Iraq, starting by making it clear President Bush does not have the authority to engage Iran militarily, excepting, of course, an immediate attack on our troops or a definable and palpable emergency. He does not have the authority to engage them without express congressional authorization.

Looking at recent developments, it is not hard to see why people are concerned. In the President's speech introducing his new Iraq strategy, he issued a thinly veiled threat that sounded as though the administration was at least contemplating military operations on the Iranian side of the border. In the last few weeks we have arrested Iranian nationals in two separate incidents in Iraq. The initial operations against Shiite militias in Baghdad at a minimum are bound to exacerbate tensions with Iran even further, and we recently sent another aircraft carrier to the region, ratcheting up our aggressive posture.

Taken alone, individually, there is a certain logic to each of those actions. Taken on the whole, however, they have created an impression in the region, and as we all know impressions are what ultimately push leaders to make judgments about threat and to make determinations about their own actions. The impression in the region is that we have taken the side of the Sunnis in the conflict with Iraq. Whether that is true or not, we must never forget that in the Middle East especially, perception is reality. If we are seen to be favoring the Sunnis, we run the risk of alienating the Shiite majority that will ultimately be running Iraq—that is the reality—and inflaming extremism throughout the region. It is essential that we remain even-handed in our own actions as well as our words in our efforts to bring stability to Iraq.

There is another reason, as the Iraqi Study Group suggested, we should engage Iran and Syria. Leadership means talking to countries who are not our friends. President Kennedy reminded us: Never fear to negotiate but never negotiate out of fear. We need to engage directly when our vital national security interests are at stake. We have done it all through our history. Richard Nixon sent Henry Kissinger to China. President Reagan went to meet with Miguel Gorbachev and came to an agreement on arms after defining the ''evil empire.'' The conversation that I had recently in the Middle East with Senator DODD, when we traveled there together with President Asad of Syria, led us to believe that a dialog could, in fact, be constructed in working toward a goal that we share with Syria: creating a stable, secular, Arab Iraq. That is at least what President Asad said he would like. It seems to me, given the morass we are in, it is worth putting that to the test.

We cannot turn back the clock and reverse the decisions that brought us to this pass in Iraq and the Middle East. We cannot achieve the kind of clear and simple victory the administration promised the American people so often even as the conditions in Iraq grew worse and worse. But we can avoid an outright defeat. We can avoid creating the chaos we say we want to avoid. We can avoid a victory for our adversaries by identifying specifically what we can and cannot accomplish in Iraq.

With a new Congress comes a new responsibility: to get this policy right. That starts with preventing the President from going forward with this senseless escalation. And it has to end with finding an exit strategy that preserves our core interests in Iraq, in the region, and throughout the world.

I look forward to having a real debate. I hope we can find that way.

I might mention, when Senator DODD and I were about to helicopter out of Baghdad, we were at Landing Zone Washington, which is right in the Green Zone. Many Senators are familiar with it. In the darkness of night, as we were leaving, a young man came up to us to talk to us and he identified himself as an officer in the Army. He was going home for leave and was hitching a ride on the helicopter to go home. He went home, visited his 14-

month-old daughter and, I think, his 4-year-old son, if I am correct. His name was Brian Freeman and he was intelligent and thoughtful and bright and he talked about his future and talked with us animatedly about what was going on in Iraq and how he disagreed with what he was being asked to do and how others did. He went home, and we just learned that this Friday he was killed. So he went back. He did his duty as so many have.

I know when I returned from war, almost 40 years ago now, I stood up and spoke from my heart and my gut about what I thought was wrong. To this day that has been controversial in some quarters, but I am proud that I told the truth. And that truth has been documented again and again from Army training manuals to books that have been written to the statements of our own Secretary of Defense at that time, Robert McNamara. But, before I finish, I want to make it clear that that is my motivation in talking about this war now and this predicament that so many of these soldiers find themselves in.

I asked the question in 1971: How do you ask a man to be the last man to die for a mistake? Although I knew going into public service I wanted to be in a place where I could have an impact should there be a choice of war in the future, but I never thought that I would be reliving the need to ask that question again.

We are there. Most of our colleagues understand this is a mistake. Most of our colleagues understand that 21,000 troops is not going to pacify Iraq. So all of us have a deep-rooted obligation, a deep moral obligation to ask ourselves what we can do to further the interests of our Nation and honor the sacrifices of those troops themselves. I think it is to get this policy right. I hope the President will truly listen to us in these next days because we want to work in good faith to do that.

Before I finish, I want to add a note, both personal and political. Two years ago I sought the Presidency to lead us on a different course. I am proud of the campaign we ran, proud of the fact that 3 years ago I said that Iraq was the wrong war, in the wrong place, at the wrong time; proud that we defined energy independence and made it, for the first time, part of the Presidential race; proud of a health care plan that we laid out that to this moment remains viable and waiting to be used in order to lower the health care costs for our fellow Americans.

We came close, certainly close enough, to be tempted to try again. There are powerful reasons to want to continue that fight now. But I have concluded this is not the time for me to mount a Presidential campaign. It is time to put my energy to work as part of the majority in the Senate to do all I can to end this war and strengthen our security and our ability to fight the real war on terror.

The people of Massachusetts have given me an incredible privilege to serve, and I intend to work here to change a policy in Iraq that threatens all that I have cared about and fought for since I came home from Vietnam.

The fact is, what happens here in the next 2 years may irrevocably shape or terribly distort the administration of whichever candidate is next elected President. Decisions are being taken and put into effect today and in the days to come that may leave to the next President a wider war, a war even more painful, more difficult, more prolonged than the war we already have.

Iraq, if we Senators force a change of course, may yet bring stability and an exit with American security intact or it may bring our efforts in the region to a failure that we will all recognize as a catastrophe.

I don't want the next President to find that he or she has inherited a nation still divided and a policy destined to end as Vietnam did, in a bitter or sad legacy. I intend to devote all my efforts and energies over the next 2 years, not to the race for the Presidency for myself but for doing whatever I can to ensure that the next President can take the oath with a reasonable prospect of success for him or her—for the United States. And I intend to speak the truth as I find it without regard for political correctness or partisan advantage, to advise my colleagues and my fellow citizens to the best of my ability and judgment, and to support every action the Senate may reasonably and constitutionally take to guide and direct the ship of state.

This mission, this responsibility, is something all of us must accept, and as someone who made the mistake of voting for the resolution that gave the President the authority to go to war, I feel the weight of a personal responsibility to act, to devote time and energy to the national dialog in an effort to limit this war and bring our participation to a conclusion.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know how difficult of a decision this is for Senator KERRY to make. And today, I say to the people of the country how proud all of us in Massachusetts are of JOHN KERRY, and his outstanding service in the United States Senate for our State and for our country. Throughout his career, he has been a true hero in every sense of the word.

He has been my colleague since 1984, and I have deeply valued the opportunity to work side-by-side with him, but most of all I'm proud to call him my friend. Over the years, Vicki and I have grown so close to JOHN and his wonderful wife Teresa and his loving daughters Vanessa and Alexandra. They are a special family, and their friendship is one we cherish.

We heard just a few moments ago why he was able to galvanize the country, and earn such tremendous support, in the 2004 Presidential campaign. The eloquence, the passion, the insight, the knowledge of history, and awareness of public events—these qualities we saw on display just moments ago in this Chamber—these are the qualities that characterize and define the career of JOHN KERRY.

Now JOHN has decided to continue to devote his passion, his interest, and his energies toward bringing our troops home from Iraq safely, and how fortunate they are to know that he will devote all of his energies to that cause over the next months—hopefully not years. All of us in Massachusetts look forward to his continued service in the United States Senate for years to come and to his voice and his vote working here for the working people of Massachusetts, for their jobs, for their health care, for the education of their children, for the betterment of their environment, and for their hope for a better quality of life. He's been there for us in the past on so many of these critical concerns, and we take comfort in knowing he'll be there for all of us in the future as well.

I know this has been a difficult time for JOHN. I congratulate him on an outstanding presentation this afternoon, and for his courage and determination. I congratulate him for continuing to want to make a very important difference on the overarching and overriding issue of our time, and that is how we can remedy this catastrophic mistake of Iraq and bring our servicemen home safely.

I'm grateful to be able to call JOHN KERRY my colleague and friend, and look forward to working with him for years to come.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have had the good fortune in my lifetime, my adult life, to see people for whom I have developed a tremendous respect and admiration, and certainly one of those people is JOHN KERRY. Why? Why would I say that about JOHN KERRY? Why would I say that as I have traveled through life he is one of those people who has meant so much to me in being a role model for the things that I do and the things that I think the American people should focus on?

He has a tremendous educational background—Yale, Boston College. He was a prosecutor. He was a war hero. A war hero—multiple awards, fighting in the jungles of Vietnam, for heroism. We saw someone last night stand in the House Chamber whom the President directed, who received the Silver Star, and that is wonderful. We all looked at him with admiration. JOHN KERRY has had a Silver Star, multiple Purple Hearts—I repeat, multiple awards for bravery. He is a political activist, someone who at great sacrifice decided to do gallant things after his heroic efforts in Vietnam. He came home and continued being a hero politically. The people of Massachusetts elected him to Lieutenant Governor, a job I also had,

and I have some understanding about that job. He came to Congress the year I did. In 1982, we both came here. He is a cancer survivor. His wife is one of the most remarkable people I have ever met. Teresa Heinz is a real fighter in her own way. I knew her before the Presidential election, but I got to know her very well during the Presidential election, and I like her so much.

JOHN KERRY was my nominee for President of the United States. I worked hard for JOHN KERRY. I believed in JOHN KERRY. I believed JOHN KERRY would change the direction of this country and the world. I still believe that. JOHN KERRY came within a few votes of being President of the United States in one of the dirtiest, most negative, unfair campaigns I have ever witnessed. I am not going to go into all the things they did to JOHN KERRY other than to say that to try to take away from this man, his gallantry as a warfighter, was beyond the pale, but they did it.

JOHN KERRY and I have shared heartache together. We have done it recently. I will always have admiration and respect for JOHN KERRY. The mere fact that he announced he is not running for President speaks well of this gallant man, this heroic man, because he could run for President. He has money in the bank, so to speak. He knows people all over America. He has the best e-mail addresses in the country. He has chosen that this is not the time. But I will continue to look to JOHN KERRY for his leadership in foreign affairs. He is a man who knows this world. Listen to the speech he just gave on the conflict in Iraq, a textbook address about the ills of the present status of what we are doing in Iraq. He will approach whatever he does with a sense of morality. He will proceed to be one of the leaders, as he has been for decades, on the environment. He has a book coming out soon with his wife, and I am sure it will lay out things he has believed in for so long, such as health care. He is the chairman of the Small Business Committee.

So I say to JOHN KERRY: I love you, JOHN KERRY. I am so sorry things didn't work out for our country, but that doesn't take away from the fact that I will always care about you greatly and remember the times we have spent together. We have a lot more to do for Massachusetts, Nevada, and the country.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, before I engage in my business, I also would like to say to Senator KERRY that I, too, am honored to serve with you, and I appreciate the remarks that have been made about you today.

AMENDMENTS NOS. 155, 156, 157, 158, 159, 160, 161, AND 162, EN BLOC, TO AMENDMENT NO. 100

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that I be permitted to offer amendments Nos. 155 through 162, en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, as I understand, there are two speakers. I would like to ask unanimous consent that following the two speakers, Senator ENZI identify the Senator from Colorado, Mr. SALAZAR, to be recognized.

The PRESIDING OFFICER. The Senator from South Carolina has a unanimous consent request pending. Is there objection to that request? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, if the Senator would be kind enough to permit me to ask unanimous consent that following the next two speakers, the Senator from Colorado, Mr. SALAZAR, be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes en bloc amendments numbered 155 through 162.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 155

(The amendment is printed in the RECORD of Tuesday, January 23, 2007 under ''Text of Amendments.'')

AMENDMENT NO. 156

(Purpose: To amend the Internal Revenue code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements)

At the appropriate place, insert the following:

SEC. ____. DISPOSITION OF UNUSED HEALTH BENEFITS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following:

''(h) CONTRIBUTIONS OF CERTAIN UNUSED HEALTH BENEFITS.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan solely because qualified benefits under such plan include a health flexible spending arrangement under which not more than $500 of unused health benefits may be—

''(A) carried forward to the succeeding plan year of such health flexible spending arrangement, or

''(B) to the extent permitted by section 106(d), contributed by the employer to a health savings account (as defined in section 223(d)) maintained for the benefit of the employee.

''(2) HEALTH FLEXIBLE SPENDING ARRANGEMENT.—For purposes of this subsection, the term 'health flexible spending arrangement' means a flexible spending arrangement (as defined in section 106(c)) that is a qualified benefit and only permits reimbursement for expenses for medical care (as defined in section 213(d)(1), without regard to subparagraphs (C) and (D) thereof).

''(3) UNUSED HEALTH BENEFITS.—For purposes of this subsection, with respect to an employee, the term 'unused health benefits' means the excess of—

''(A) the maximum amount of reimbursement allowable to the employee for a plan year under a health flexible spending arrangement, over

''(B) the actual amount of reimbursement for such year under such arrangement.''.

(b) REPEAL OF FSA TERMINATION PROVISION.—

(1) IN GENERAL.—Subsection (e) of section 106 of the Internal Revenue Code of 1986, as added by the Tax Relief and Health Care Act of 2006, is amended by striking ''health flexible spending arrangement or'' each place it appears.

(2) CONFORMING AMENDMENTS.—

(A) The heading of section 106(e) of such Code is amended by striking ''FSA OR''.

(B) Section 223(c)(1)(B)(iii)(II) of such Code, as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

''(II) the balance of such arrangement is contributed by the employer to a health savings account of the individual under section 125(h)(1)(B), in accordance with rules prescribed by the Secretary.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

AMENDMENT NO. 157

(Purpose: To increase The Federal minimum wage by an amount that is based on applicable State minimum wages)

In section 2 of the bill, strike subsection (a) and insert the following:

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007, an amount equal to the minimum wage in effect on such date in the State in which such employee is employed (whether as a result of the application of Federal or State law) increased by $0.70;

''(B) beginning 12 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$1.40' for '$0.70'; and

''(C) beginning 24 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$2.10' for '$0.70';''.

AMENDMENT NO. 158

(Purpose: To increase the Federal minimum wage by an amount that is based on applicable State minimum wages)

In section 101 of the amendment, strike subsection (a) and insert the following:

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007, an amount equal to the minimum wage in effect on such date in the State in which such employee is employed (whether as a result of the application of Federal or State law) increased by $0.70;

''(B) beginning 12 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$1.40' for '$0.70'; and

''(C) beginning 24 months after that 60th day, the amount that would be determined under subparagraph (A) by substituting '$2.10' for '$0.70';''.

AMENDMENT NO. 159

(Purpose: To protect individuals from having their money involuntarily collected and used for lobbying by a labor organization)

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF WORKERS' POLITICAL RIGHTS.

Title III of the Labor Management Relations Act, 1947 (29 U.S.C. 185 et seq.) is amended by adding at the end the following:

"SEC. 304. PROTECTION OF WORKER'S POLITICAL RIGHTS.

''(a) PROHIBITION.—Except with the separate, prior, written, voluntary authorization of an individual, it shall be unlawful for any labor organization to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used to lobby members of Congress or Congressional staff for the purpose of influencing legislation.

''(b) AUTHORIZATION.—An authorization described in subsection (a) shall remain in effect until revoked and may be revoked at any time.''.

AMENDMENT NO. 160

(Purpose: To amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax)

At the appropriate place, insert the following:

SEC. ___. DEFERRED PAYMENT OF TAX BY CERTAIN SMALL BUSINESSES.

(a) IN GENERAL.—Subchapter B of chapter 62 (relating to extensions of time for payment of tax) is amended by adding at the end the following new section:

"SEC. 6168. EXTENSION OF TIME FOR PAYMENT OF TAX FOR CERTAIN SMALL BUSINESSES.

''(a) IN GENERAL.—An eligible small business may elect to pay the tax imposed by chapter 1 in 4 equal installments.

''(b) LIMITATION.—The maximum amount of tax which may be paid in installments under this section for any taxable year shall not exceed whichever of the following is the least:

''(1) The tax imposed by chapter 1 for the taxable year.

''(2) The amount contributed by the taxpayer into a BRIDGE Account during such year.

''(3) The excess of $250,000 over the aggregate amount of tax for which an election under this section was made by the taxpayer (or any predecessor) for all prior taxable years.

''(c) ELIGIBLE SMALL BUSINESS.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible small business' means, with respect to any taxable year, any person if—

''(A) such person meets the active business requirements of section 1202(e) throughout such taxable year,

''(B) the taxpayer has gross receipts of $10,000,000 or less for the taxable year,

''(C) the gross receipts of the taxpayer for such taxable year are at least 10 percent greater than the average annual gross receipts of the taxpayer (or any predecessor) for the 2 prior taxable years, and

''(D) the taxpayer uses an accrual method of accounting.

''(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of this subsection.

''(d) DATE FOR PAYMENT OF INSTALLMENTS; TIME FOR PAYMENT OF INTEREST.—

''(1) DATE FOR PAYMENT OF INSTALLMENTS.—

''(A) IN GENERAL.—If an election is made under this section for any taxable year, the first installment shall be paid on or before the due date for such installment and each succeeding installment shall be paid on or before the date which is 1 year after the date prescribed by this paragraph for payment of the preceding installment.

''(B) DUE DATE FOR FIRST INSTALLMENT.—The due date for the first installment for a taxable year shall be whichever of the following is the earliest:

''(i) The date selected by the taxpayer.

''(ii) The date which is 2 years after the date prescribed by section 6151(a) for payment of the tax for such taxable year.

''(2) TIME FOR PAYMENT OF INTEREST.—If the time for payment of any amount of tax has been extended under this section—

''(A) INTEREST FOR PERIOD BEFORE DUE DATE OF FIRST INSTALLMENT.—Interest payable under section 6601 on any unpaid portion of such amount attributable to the period before the due date for the first installment shall be paid annually.

''(B) INTEREST DURING INSTALLMENT PERIOD.—Interest payable under section 6601 on any unpaid portion of such amount attributable to any period after such period shall be paid at the same time as, and as a part of, each installment payment of the tax.

''(C) INTEREST IN THE CASE OF CERTAIN DEFICIENCIES.—In the case of a deficiency to which subsection (e)(3) applies for a taxable year which is assessed after the due date for the first installment for such year, interest attributable to the period before such due date, and interest assigned under subparagraph (B) to any installment the date for payment of which has arrived on or before the date of the assessment of the deficiency, shall be paid upon notice and demand from the Secretary.

''(e) SPECIAL RULES.—

''(1) APPLICATION OF LIMITATION TO PARTNERS AND S CORPORATION SHAREHOLDERS.—

''(A) IN GENERAL.—In applying this section to a partnership which is an eligible small business—

''(i) the election under subsection (a) shall be made by the partnership,

''(ii) the amount referred to in subsection (b)(1) shall be the sum of each partner's tax which is attributable to items of the partnership and assuming the highest marginal rate under section 1, and

''(iii) the partnership shall be treated as the taxpayer referred to in paragraphs (2) and (3) of subsection (b).

''(B) OVERALL LIMITATION ALSO APPLIED AT PARTNER LEVEL.—In the case of a partner in a partnership, the limitation under subsection (b)(3) shall be applied at the partnership and partner levels.

''(C) SIMILAR RULES FOR S CORPORATIONS.—Rules similar to the rules of subparagraphs (A) and (B) shall apply to shareholders in an S corporation.

''(2) ACCELERATION OF PAYMENT IN CERTAIN CASES.—

''(A) IN GENERAL.—If—

''(i) the taxpayer ceases to meet the requirement of subsection (c)(1)(A), or

''(ii) there is an ownership change with respect to the taxpayer,

then the extension of time for payment of tax provided in subsection (a) shall cease to apply, and the unpaid portion of the tax payable in installments shall be paid on or before the due date for filing the return of tax imposed by chapter 1 for the first taxable year following such cessation.

''(B) OWNERSHIP CHANGE.—For purposes of subparagraph, in the case of a corporation, the term 'ownership change' has the meaning given to such term by section 382. Rules similar to the rules applicable under the preceding sentence shall apply to a partnership.

''(3) PRORATION OF DEFICIENCY TO INSTALLMENTS.—Rules similar to the rules of section 6166(e) shall apply for purposes of this section.

''(f) BRIDGE ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'BRIDGE Account' means a trust created or organized in the United States for the exclusive benefit of an eligible small business, but only if the written governing instrument creating the trust meets the following requirements:

''(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deferral under subsection (b) for such year.

''(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

''(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

''(D) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

''(E) Amounts in the trust may be used only—

''(i) as security for a loan to the business or for repayment of such loan, or

''(ii) to pay the installments under this section.

''(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a BRIDGE Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

''(3) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a BRIDGE Account on the last day of a taxable year if such payment is made on account of such taxable year and is made within 3½ months after the close of such taxable year.

''(g) REPORTS.—The Secretary may require such reporting as the Secretary determines to be appropriate to carry out this section.

''(h) APPLICATION OF SECTION.—This section shall apply to taxes imposed for taxable years beginning after December 31, 2010, and before January 1, 2015.''

(b) PRIORITY OF LENDER.—Subsection (b) of section 6323 is amended by adding at the end the following new paragraph:

''(11) LOANS SECURED BY BRIDGE ACCOUNTS.—With respect to a BRIDGE account (as defined in section 6168(f)) with any bank (as defined in section 408(n)), to the extent of any loan made by such bank without actual notice or knowledge of the existence of such lien, as against such bank, if such loan is secured by such account.''

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 62 is amended by adding at the end the following new item:

''Sec. 6168. Extension of time for payment of tax for certain small businesses.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(e) STUDY BY GENERAL ACCOUNTING OFFICE.—

(1) STUDY.—In consultation with the Secretary of the Treasury, the Comptroller General of the United States shall undertake a study to evaluate the applicability (including administrative aspects) and impact of the BRIDGE Act of 2007 including how it affects the capital funding needs of businesses

under the Act and number of businesses benefitting.

(2) REPORT.—Not later than March 31, 2014, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

AMENDMENT NO. 161

(Purpose: To prohibit the use of flexible schedules by Federal employees unless such flexibl schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007)

At the appropriate place, insert the following:

SEC. ___. FLEXIBLE SCHEDULE PROGRAMS.

(a) PROHIBITION OF USE OF FLEXIBLE SCHEDULES FOR FEDERAL EMPLOYEES UNTIL FLEXIBLE SCHEDULES ARE AVAILABLE TO PRIVATE EMPLOYEES.—

(1) PROHIBITION OF USE OF FLEXIBLE SCHEDULES FOR FEDERAL EMPLOYEES.—Notwithstanding any provision of subchapter II of chapter 61 of title 5, United States Code, no agency may establish, administer, or use any flexible schedule program authorized under section 6122 of that title.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect 1 year after the date of enactment of this Act, unless during such 1 year period, the Secretary of Labor submits certification to the Office of Personnel Management that a statute has been enacted that allows employers covered by the Fair Labor Standards Act of 1938 to provide for the use of a flexible schedule similar to the flexible schedule program authorized under section 6122 of title 5, United States Code, for employees engaged in commerce or in the production of goods for commerce.

(b) TERMINATION OF PROHIBITION.—If the prohibition under subsection (a) takes effect, that subsection shall cease to have any force or effect on the date that the Secretary of Labor submits a certification described in subsection (a)(2) to the Office of Personnel Management.

AMENDMENT NO. 162

(Purpose: To amend the Fair Labor Standards Act of 1938 regarding the minimum wage)

At the appropriate place, insert the following:

SEC. ___. ENTERPRISE ENGAGED IN COMMERCE.

(a) ANNUAL GROSS VOLUME OF SALES.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking ''$500,000'' and inserting ''$1,080,000''.

(b) APPLICABILITY OF MINIMUM WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (20 U.S.C. 206) is amended—

(1) in subsection (a), by striking ''is engaged in commerce or in the production of goods for commerce, or''; and

(2) in subsection (b), by striking ''is engaged in commerce or in the production of goods for commerce, or''.

Mr. DEMINT. Mr. President, I thank my colleagues here on the floor for allowing me to offer these amendments. I know the leadership on the other side is anxious to end debate on this bill and move on to other things, so I will keep any remarks as brief as possible. I would be happy to work with the managers of the bill, the Senators from Massachusetts and Wyoming, to work out additional time for debate if that is necessary.

The minimum wage is a debate about fairness. Many Americans see a minimum wage as a fundamental right and something that should be increased to keep up with rising costs. Many economists see it differently. They understand it is only an entry wage and that with on-the-job training, most people do not stay at the minimum wage for very long. Economists also understand that very few people in America actually earn the minimum wage which is currently at $5.15 per hour. Those who do are mostly teenagers, part-time workers, second earners in a home, or workers with very limited skills.

Nevertheless, this debate has become a measure of how much we care for workers, and that is what this debate should be about. If we are going to be serious about helping Americans earn higher wages and helping them keep more of what they earn, we must consider additional measures to ensure American prosperity.

That is why I am offering these amendments today. They will not only ensure fairness for workers, they will also help protect small businesses that employ them. Americans realize that if we pass laws here in Washington that are aimed at helping workers but end up eliminating their jobs, we have done more harm than good.

My first amendment, No. 158, would raise the effective minimum wage in each State by $2.10 per hour. Now, I know most people listening believe that is what this amendment does, but far from it. Without this amendment, the underlying legislation will partially exempt minimum wage workers in high-cost States that already have State minimum wage rates greater than $5.15 per hour, and it will completely exempt minimum wage workers in the highest cost States that have State minimum wage rates greater than $7.25. Many States—actually, 29 States—have already recognized that their cost of living is much higher than other States, and these States have passed their own minimum wage increases. So the cost of living all around the country is quite different.

If you look at some high-cost cities and States, such as Boston, MA, for instance—35 percent higher cost of living than the national average—and contrast that with Alabama, Mobile, AL—it is minus 11 percent of the national average—you have a large swing in the cost of living. Effectively, what we have is while Massachusetts now has a minimum wage of $7.50 an hour, that does not do a worker as much good in Massachusetts as $5.15 does for a worker in Alabama; the cost of living is significantly different.

As we look around the country, we see the highest cost States are Massachusetts and Connecticut and Vermont and New York. You can go over to Illinois at 17 percent. We get down in the Southern States, and we see minus 10 percent of the national average in Texas or minus 11 in Arkansas or minus 12 in Oklahoma. The States and the cost of living across our country are very different. Thankfully, a number of States—29 of them—have recognized that and raised their minimum wage.

But if we are going to make a promise to American workers that we are going to raise their salary, particularly minimum wage workers, then I believe we should do it for all workers. We should look at how this underlying bill is really going to affect workers. The blue States here are States that get a small increase or less than 10 cents from this $2.10 we are talking about.

A few minutes ago, the Senator from Washington State was giving a passionate plea that minimum wage workers get an increase, but Washington State minimum wage workers will get no increase from this bill. The same for Oregon and California. Our dear colleague from Massachusetts, Senator KENNEDY, is one of the most passionate advocates of increasing the minimum wage. Yet this bill we are going to pass today will not give one minimum wage worker in Massachusetts an increase. They get nothing. All of the blue States, the high-cost States where an increase is the most important—Vermont, Massachusetts, Connecticut, Rhode Island—they get no increase. Illinois gets less than 10 cents from the $2.10 increase. So the blue States where workers really could use an additional increase, particularly minimum wage workers, get little or nothing.

When we look at the white States, these are the States which don't get the whole $2.10 increase. The red States are the only States where the whole $2.10 increase will actually go to minimum wage workers.

So in effect, we are making a lot of false promises here today. A lot of the debate, the most passionate debate, is coming from Senators who represent States which will get little or nothing from this minimum wage increase.

I believe we should do what the States do and recognize that the cost of living is different. My amendment is very simple. It says: Let's make all of the States the same color. Let's make them red or blue. But every minimum wage worker in this country should get a $2.10 increase, and that is what my amendment would do. It would be fair to all workers.

That first amendment was actually my first and second amendment. We have two versions of that, Nos. 158 and 159.

My third amendment, No. 155, would expand access to affordable health care to millions of Americans. It would do three things. And we do need to keep in mind that one of the biggest costs for workers, particularly those working at the minimum wage level, is health care. Very few have health insurance. Many are part-time workers. This amendment would do three things:

First, it would allow workers to purchase less expensive coverage anywhere in the country. It would also allow them to use the funds in their health savings accounts to pay for their health insurance policy, and it would allow them to roll over, or keep, $500 in unspent benefits in their flexible spending accounts. Many Federal employees now have flexible spending accounts, and they are starting to realize that even though it is their own money, the way this law is set up, if they don't spend it all, they lose what is left at the end of the year. This amendment would fix that.

If Congress is serious about helping American workers, it must do something to address the rising costs of health care. By allowing Americans to purchase health coverage across State lines, they would gain access to less expensive health plans.

My fourth amendment would pick up on part of the other amendment and focus specifically on flexible spending accounts, allowing workers to keep up the $500 that is unspent in those accounts at the end of the year so they do not have to spend it on something they do not need or actually lose it. Again, it is their money. We should not take it from them.

My fifth amendment is tax deferment for high-growth small business companies. Most of the jobs in this country are actually created by small companies that are growing at a 10-percent rate or higher. We have identified—and this is something we have been working on for years—what is called a capital funding gap that prevents a lot of small businesses from getting the capital they need to continue their growth. Actually, if you go back to the 107th Congress, I worked on this when I was on the House side with Senator KERRY and Senator SNOWE who introduced this same legislation to help small businesses keep some of their cash in order to grow their business. It simply allows them to defer Federal taxes if they are plowing it into the growth of their companies. This is very relevant to low-income workers because many low-income workers, even minimum wage workers, work for small businesses that are growing.

This would help those companies grow by deferring taxes. They have to pay all this money back with interest, but it allows them to continue to grow, using their own cash flow.

My sixth amendment, No. 159, is an important amendment for a lot of hourly workers who are union members. It prevents labor unions from using members' union dues to lobby Congress without prior separate and written consent of that member. Union dues, like taxes, are compulsory for union workers. This is the same amendment I offered to the lobby reform legislation, but since it was not given consideration, I am offering it again. This is not only an ethics and lobbying issue but a fairness issue for millions of union members in America. If they were not forced to pay for things they do not support, they could save a lot of money with lower union dues.

My seventh amendment is updating the small business minimum wage exemption. The last time this exemption was raised, the minimum wage was $3.35. This simply allows small companies not to pay the minimum wage, particularly those offering other benefits—tips or health benefits—and gives an exemption. Right now, it is only $500,000 a year. We raise that to $1 million with this amendment, allowing the small businesses some flexibility in hiring teenagers and other workers at the trainee level.

The last amendment, my eighth amendment, and the final amendment, repeals flextime benefits for Federal employees after 1 year if comparable benefits are not extended to private sector workers. A lot of people who are opposed to this flextime idea don't point out in the Senate that all Federal workers have this flextime benefit. Most will say it is truly a benefit. So it gets back to an issue of fairness. This amendment simply says if we do not apply this same benefit to all American workers in the private sector, we should not grant it to Federal workers. Americans are tired of us giving special benefits to Federal workers that are not offered in the private sector.

In conclusion, I thank the managers of this bill, again, for allowing me to offer these amendments. I am happy to work out other items and debate them individually, if that is necessary.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, I want to share some general thoughts about workers in America, the salaries they get paid, the money they take home, and some of the problems relative to that. I will not be offering any amendments at this point. I think there are some others who will be down in a little bit who are scheduled to be on the floor at this time but have not arrived.

I will note I would like to have a vote on an amendment I have offered, which is an amendment that will say that if an employer hires a person illegally in the country, contrary to the law, the fine will no longer be as little as $250 but will be raised to a fine sufficient to deter that business from carrying on that activity: $5,000 and up.

But I want to take a moment now to share some thoughts of a very serious nature about what we are dealing with. This bill that is on the floor today would raise the minimum wage from $5.15 an hour to $7.25 an hour. I am uneasy with Government dictating a contract between two private persons. But I have supported minimum wage increases on a number of occasions, and I think we will see one pass this time in some fashion. I hope it will be passed in a manner that I will be able to support final passage.

But I share the concern of a lot of people who support this legislation; and that concern is, the incomes and the salaries of lower wage workers have not kept up with the salaries of higher income workers. I know the free marketeers argue that later on wages will increase for low-income workers, but I am not satisfied with that argument. The economy is doing very well. Bonuses and salaries for top-wage people have surged. We have not seen sufficient increases in salaries for lower income workers.

I am going to share some numbers with this body that I believe will put a finger on the real problem. It is not that George Bush does not want people to have salaries. George Bush and Members of this Senate have supported policies that, without their knowledge, perhaps, are having an adverse impact on wages. Maybe there are a lot of reasons we are having an adverse impact on wages, but I am going to talk about one.

We can be certain that illegal immigration is suppressing workers' wages. Significant economic evidence indicates the presence of large amounts of illegal labor in low-skilled job sectors—that is low-income workers—is depressing the wages of American workers. Harvard economists George Borjas and Lawrence Katz—Professor Borjas has written a fabulous book on immigration, ''Heaven's Door.'' I am sure my friend Senator KENNEDY knows of Harvard. He needs to introduce himself to Professor Borjas, I would suggest. Harvard economists George Borjas and Lawrence Katz estimate that the influx of low-skilled, low-wage immigration from 1980 to 2000 has resulted in a 3-percent decrease in wages for the average American worker—not just low-income workers. The average American worker has seen a 3-percent decline in his wages, and it has cut wages for native-born high school dropouts—those are the people most often being paid near minimum wage; the poorest 10 percent of the workforce—by 8 percent.

That is a lot. The 3 percent amounts to, assuming they made $10 an hour, $12 a week or $600 a year. For the poorer worker, the 8 percent amounts to more than $1,200 a year in income. Now, that is $100 a month extra money they could be paid, but they are not being paid because of the large influx of illegal workers or immigrant workers into the country.

According to Alan Tonelson, another expert, a research fellow at the U.S. Business and Industry Council Educational Foundation—this is his quote—

[T]he most important statistics available show conclusively that, far from easing shortages, illegal immigrants are adding to labor gluts in America. Specifically, wages in sectors highly dependent on illegals, when adjusted for inflation, are either stagnant or have actually fallen.

Wages have gone down, not even gone up a little bit. They have gone down. Think about it.

Tonelson is referring to Labor Department data and information from the Pew Hispanic Center that—Mr. Tonelson says—''provide compelling evidence illegal immigrants have been used deliberately to force down wages.''

For example, he cites data from the U.S. Bureau of Labor Statistics for the following information.

Madam President, I see Senator SALAZAR is here. And, as I indicated, I say to Senator SALAZAR, I will yield. I will wrap up briefly and yield to you because I know you were previously approved to speak next.

As I was saying, for example, Tonelson cites data from the U.S. Bureau of Labor Statistics for the following information: Inflation-adjusted wages for the broad food and services and drinking establishments category—that is the Labor Department category—between the years 2000 and 2005 fell 1.65 percent. Pew estimates that illegal immigrants comprise 17 percent of food preparation workers, 20 percent of cooks, and 23 percent of dishwashers.

So they say: Well, you cannot get people to work and be cooks and dishwashers in restaurants. You cannot get them. Well, if they were paid a little better wage, maybe they could get them. Instead of cutting wages from 2000 to 2005, maybe some people would be willing to work.

He goes on to note: Inflation-adjusted wages for the food manufacturing industry—the Pew Hispanic Center estimates that illegal immigrants comprise 14 percent of that workforce—fell 2.24 percent from 2000 to 2005.

He also goes on to note: Inflation-adjusted wages for hotel workers—the Pew Hispanic Center estimates that illegal immigrants make up 10 percent of that workforce—fell 1 percent from 2000 to 2005.

So, Madam President, I will wrap up at this point but will talk about it some more later. We need to create a lawful immigration system that does allow workers to come to our country, but the number and skill sets they bring ought to be such that they do not aversely impact to a significant degree the wages of American citizens. How more basic can it be than that, see? I am afraid we need to confront that.

So my amendment is just one important step I will ask for a vote on that will allow workers to come legally, but if they come illegally, the employers who hire them can be punished to a degree more commensurate with the seriousness of the offense.

Madam President, I thank the Chair. I see my good friend from Colorado, former attorney general. We worked together on a number of issues. I will be proud to yield to him at this time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank my friend from Alabama. And at the outset, before I make a comment about the matter that is pending before the Senate today, I want to also commend him for his work on energy independence. I think it demonstrates how we are able in this body to bring together Republicans and conservatives, Democrats and progressives, on what is one of the signature issues of our time. I very much look forward to working with him, as well as with my other colleagues on this very important agenda in this 110th Congress.

Madam President, I rise today to speak on behalf of the Reid substitute amendment that is a very important matter that is now before this body. I applaud the leadership of the floor managers, Senator KENNEDY and Senator ENZI. I very much look forward to a successful conclusion of this legislation.

The Fair Minimum Wage Act of 2007 would raise the Federal minimum wage from $5.15 an hour to $7.25 an hour over a period of 2 years. I am proud to be a supporter and a cosponsor of this measure which will help lift millions of Americans into a better way of life.

The Federal minimum wage was first established through the Fair Labor Standards Act of 1938. At that time, the Federal Government set the Federal minimum wage at 25 cents an hour, which would amount to $3.22 an hour in today's dollars. Since then, Congress has used its wisdom and increased the minimum wage eight times under both Democratic and Republican administrations.

Unfortunately, American workers have now had to wait 10 years since the last increase—the longest that workers have gone without an increase in the entire history our Nation has had a minimum wage law.

American workers, in my view, have waited long enough for their raise. The minimum wage is not just about fairness. It is also about economic necessity. While Congress has neglected to raise the minimum wage, the cost of living has continued to skyrocket. Since we last raised the minimum wage, take the following examples on the escalation of the cost of living: Gas prices have increased by 36 percent. Health insurance rates have gone up by 33 percent. College tuition rates have gone up by 35 percent. And housing costs have gone up by 38 percent. There have been all of those increases during all of that time, and the minimum wage for Americans has gone unchanged.

Without any increase in their wages, these rising costs will force many minimum wage workers to make very difficult choices. Sometimes they must ask themselves: Should they pay the rent or buy groceries? Should they pay the heating bill or buy diapers? Some of the very basic, essential questions of life have to be answered by some of these minimum wage workers every day.

Indeed, desperate times often have called for desperate measures. Our inaction here in Washington has spurred a number of different States, including my State of Colorado, to take action on their own. In November, the people of my State voted to increase the State's minimum wage by a very substantial margin. Twenty-eight other States and the District of Columbia have also taken action to raise wages above the Federal minimum of $5.15 an hour.

In my view, unless we act as a Congress, what will end up happening is we will continue to see a hodgepodge of minimum wage increases in the 50 States of our Nation. I think it would be much preferable to business as well as to the people of America to have a Federal minimum wage that applies across the entire country.

The House of Representatives has already acted quickly on this legislation. It is simple and straightforward. It is now time for the Senate to act, and for this long overdue increase to finally become law.

Make no mistake, we all know this legislation will make a significant difference in the lives of working families. The increase will directly impact 13 million Americans and nearly 6 million children.

Do you hear that, Madam President? It will impact 13 million Americans and nearly 6 million children who would see their parents' earnings increase.

In Colorado, raising the Federal minimum wage to $7.25 an hour would directly raise the pay of 87,000 workers and benefit 251,000 workers overall.

This increase will mean an additional $4,400 in annual wages. That money is money that could be used for a number of great essentials: Almost 2 years of childcare, more than full tuition for a community college degree, a year and a half of heat and electricity, more than a year of groceries, and more than 8 months of rent.

I support doing everything we can to help these workers. As we help these workers, I also believe we must do everything we can to help the small businesses of America. That is why I am supporting the Reid substitute amendment that has the targeted tax relief to help small businesses thrive.

Having had a history of working as a small business person for a long time, I know the struggle small businesses engage in every day. I also know that it is small businesses that are the engine of most of the job creation in America today. That is true whether it is in Colorado or in the States of Wyoming or Massachusetts. Small businesses are, in fact, the backbone of job creation. In my State alone, we have 500,000 small businesses. And 98 percent of the businesses that hire workers in Colorado are, in fact, small businesses. These

businesses create jobs. They fuel our economy. They provide the livelihood for millions of workers, many of them low-wage earners. We must ensure that these small businesses continue to serve this vital purpose.

In my first hearing as a new member of the Senate Finance Committee, under the leadership of Chairman BAUCUS and Ranking Member GRASSLEY, we heard from small business owners who testified that an increase in the minimum wage would, in some cases, force them to consider whether to eliminate some workers or cut back the hours of others. They also testified that some of the costs of the increase could be defrayed through specific tax incentives to help them meet the expenses associated with improving and expanding their businesses through construction and renovation and tax credits to help them hire more low-wage workers.

Last week I introduced legislation called the Business RAISE Act to help small businesses with business tax relief. My bill contains some of the tax incentives we heard about in the Finance Committee hearing. Specifically, my legislation, now incorporated into the Reid substitute, would allow 15 year depreciation periods for restaurant improvements, new restaurant construction, and improvements to business property that is owned as opposed to leased. That simply makes economic sense. When you buy equipment or build a restaurant, you know that a 39-year depreciation does not reflect economic reality. You know that those changes that have to be made will have to be made in 5 or 10 years. So allowing these items to be expensed over a 15-year period will be a great incentive and of great assistance to small businesses and restaurants to do what they have to do to improve their businesses.

I also have proposed—and it has been included in the Reid substitute amendment—the expansion of the eligibility for the work opportunity tax credit to all disabled veterans. This legislation would expand the eligibility for the work opportunity tax credit to all disabled veterans. In these days of Afghanistan and Iraqi veteran forces returning back to our Nation with the kinds of injuries that many of them have sustained and some of the disabilities they have to suffer through, it is important for us as a nation to do everything we can to provide them with an opportunity. These work opportunity tax credits that would apply to all disabled veterans in America would be part of our Nation's promise to make sure we are taking care of the veterans of America.

I am proud to have worked with Chairman BAUCUS and Senator GRASSLEY, with Republicans and Democratic Senators in the Finance Committee, to have many of these provisions included in the legislation that was reported unanimously out of committee. Those recommendations have now been included in the Reid substitute amendment which is currently pending. But we could have dealt with these issues separately. The political reality is that we will do two good things at the same time. We will raise the minimum wage for Americans, which has been on hold for far too long, and we will provide incentives to allow small businesses to continue to thrive with the tax incentives we are creating in this legislation. Toward that end, I am hopeful that this body of Senators will move quickly and expeditiously in approving the provisions of the Reid substitute amendment.

I yield the floor.

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

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

Mr. KENNEDY. For the information of our Members, we will have a consent agreement offered in a short while. It is the intention of Senator ENZI and myself to have two votes, one on the Sununu-Kerry amendment on small business and one on Feingold, which is the ''Buy American'' amendment. We will have voice votes on those two items and then rollcall votes on an Allard amendment and a rollcall vote on a DeMint amendment in the range of 5 o'clock, for the benefit of our colleagues. We will offer a consent agreement shortly to that effect. But for the information of our colleagues, that is the intention. We are making good progress on other amendments as well.

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

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

Mr. BAUCUS. Madam President, since the Fair Labor Standards Act of 1938, Congress has required employers to pay a minimum wage. Congress enacted the current general minimum wage of $5.15 an hour in 1996. That works out to be about $10,712 a year. Currently, about 2 million workers get paid the Federal minimum wage or less.

A decade has passed since the last increase. That marks the longest period in history without an adjustment to the minimum wage. During that time, a majority of States have enacted minimum wages higher than the current Federal level. This includes my home State of Montana.

Montanans recognized that the minimum wage must be increased. I am proud that in November our State voted to raise that State's minimum wage from $5.15 an hour to $6.15 an hour. It was a step in the right direction.

An increase in the minimum wage would affect millions more than those who earn minimum wage because many workers earn slightly more than minimum wage and may also see an increase.

Some worry that an increase in the minimum wage will burden small businesses. Small businesses create jobs, economic opportunity, and technological innovation.

Smaller businesses employ a disproportionate share of workers earning the minimum wage. Representatives of small businesses have, therefore, argued that any increase should be accompanied by tax incentives targeted for small businesses in order to lower their costs.

There are about 23 million small businesses in our country. Businesses with fewer than 500 employees represent more than 99.9 percent of all American businesses. They pay nearly half the total American private payroll. They have generated 60 to 80 percent of the new jobs annually over the last decade, and they employ 41 percent of high-tech workers.

Small business is particularly important in rural States such as Montana. Rural communities generally do not have large employers. Rural families rely on small businesses for jobs.

The Finance Committee has jurisdiction over taxes. The committee held a hearing on January 10 of this year entitled ''Tax Incentives for Businesses in Response to a Minimum Wage Increase.'' The committee heard from a variety of witnesses, including labor economists, small business owners, and tax experts.

Following that hearing, the committee held a markup on January 17. The committee considered an original bill called the Small Business and Work Opportunity Act of 2007. That bill is a revenue-neutral bill containing a number of tax incentives for small businesses and businesses that hire minimum wage workers. The committee favorably reported that bill by unanimous voice vote, and the majority leader included that bill in its entirety in his amendment to the bill before us today.

The substitute would help business owners to afford new equipment and property for their businesses by extending section 179 expensing for another year.

In order to carry out day-to-day activities, small business owners are often required to invest significant amounts of money in depreciable property, such as machinery. While these large purchases are necessary to operate a business, they generally require depreciation across a number of years. But depreciation requires additional bookkeeping. Section 179 expensing allows for immediate 100 percent deduction of the cost of most personal property purchased for use in a business. In

2007, small business owners could deduct up to $112,000 of equipment expenses.

When small business owners are able to expense equipment, they no longer have to keep depreciation records on that equipment. So extending section 179 expensing would ease small business bookkeeping burdens.

The substitute would allow small business owners to quickly recover the cost of improvements to their establishments through extension and expansion of the 15-year straight line appreciation period for leaseholds and restaurant improvements.

Allowing retailers and restaurants to use a 15-year straight line depreciation period means that when an entrepreneur opens a business and remodels the property, that investment could be recovered over a period of time more closely reflecting wear and tear. It used to be 39 years.

In 2004, the American Jobs Creation Act shortened the cost recovery of certain leasehold improvements and restaurant property for 39 years to 15 years for the remainder of 2004 and 2005. The Tax Relief and Health Care Act of 2006 extended this provision to the end of 2007.

At the Finance Committee minimum wage hearing held January 10, small business owners testified that a shorter 15-year recovery period for restaurant and building leasehold property reflects the true economic life of the improvements. And they testified that businesses put more money into their operations if they know they can recover their improvement costs over 15 years instead of 39.

The substitute would extend the 15-year recovery period for leasehold and restaurant improvements and would also broaden the provision to allow retail owners and new restaurants to take advantage of this shortened depreciation period.

These are changes that Senator CONRAD, Senator KERRY, Senator SNOWE, and Senator KYL have championed.

The substitute would simplify the way that small businesses keep records for tax purposes. The cash method of accounting is often the easiest method of accounting. Allowing small business to use the cash method reduces the administrative and tax compliance burden of these businesses. The substitute would let more businesses take advantage of this method. Businesses with gross receipts up to $10 million would be able to use the cash method.

The substitute would also help businesses provide jobs for workers who have experienced barriers to entering the workforce by extending and expanding the work opportunity tax credit.

WOTC, otherwise known as the work opportunity tax credit, encourages business to hire workers who might not otherwise find work. These employers teach workers new skills and how to be a good employee. The workers serve our food, sell us goods, paint our houses, and provide care to our sick and elderly.

WOTC, the work opportunity tax credit, has been remarkably successful. By reducing expenditures on public assistance, WOTC is highly cost effective. The business community is highly supportive of these credits. Especially industries such as retail and restaurants that hire many low-skilled workers find it useful.

The substitute would extend WOTC for 5 years, and the substitute would expand the credit to make it available to employers who hire veterans disabled after 9/11, something I think is very important for us to do.

As of July 2006, nearly 20,000 members of our Armed Forces were wounded in action in Operation Iraqi Freedom and Operation Enduring Freedom. Many of these soldiers are now permanently disabled and do not know what they are going to do once they return home. We need to help these young men and women, and a modest tax incentive to get them back in the workforce is a good place to start.

This is an issue the Senator from Colorado, Mr. SALAZAR, championed.

I think we should make WOTC permanent. Senator SNOWE and I introduced a bill to do just that. But to accommodate other Senators' priorities, the committee agreed to a 5-year extension in the bill that is now included in the substitute.

The substitute helps small businesses by modifying S corporation rules. These modifications reduce the effect of what some call the sting tax; that is, these modifications improve the viability of community banks.

These are changes that Senator LINCOLN and Senator HATCH have championed.

These are all important ways to help small businesses succeed. These provisions will spur investment and, thus, create jobs. They will provide greater opportunity for workers looking for a job. They all enjoy strong support.

Senator GRASSLEY, members of the Finance Committee, and I have worked to develop a balanced package, and I believe we have done just that.

The language included in the substitute is a responsible package that will ensure the continued growth and success of small businesses. And we have also paid for it. Most of the offsets are proposals the Senate has supported several times before. The offsets include a proposal to end future tax benefits for abusive sale-in-lease-out tax shelters, known as SILOs. These deals are foreign tax-exempt entities to generate sham tax deductions.

Even after Congress shut these deals down in 2004, some taxpayers continue to take excessive, unwarranted depreciation deductions on German sewer systems and the like. The Internal Revenue Service says it has 1,500 of these deals under audit involving billions—yes, billions—of dollars. At a minimum, it is time to shut these foreign deals down. There are domestic deals, too, but this provision only affects foreign deals.

Another offset doubles fines, penalties, and interest on taxes owed as a result of using certain abusive offshore financial arrangements to avoid paying taxes. Taxpayers will hide their money from the IRS through offshore credit cards and other shady financial arrangements need to get the message that this Congress is serious about ending these abuses.

The substitute closes a corporate loophole used by companies that reinvented themselves as foreign corporations to avoid paying taxes in our country. In March 2002, Senator GRASSLEY and I made it clear to those who put profits ahead of patriotism did so at their own peril. The substitute would treat those who moved offshore after that date like a U.S. company, and the substitute would make those companies pay U.S. taxes.

Further, under the substitute, companies that paid to settle Government investigations or that paid punitive damages ordered by the courts will be prohibited from taking tax deductions for those payments.

Deducting these amounts can reduce the true cost of these settling by as much as a third. Deducting these amounts would effectively shift the tax burden onto the backs of other taxpayers who pay what they rightfully owe. Those deductions should, therefore, be prohibited.

The hard-working American taxpayers we are trying to help in this substitute should not have to pay more taxes because some taxpayers are abusing the tax system through tax shelters. They also should not have to bear the burden of civil settlements and punitive damages paid by companies that engage in questionable behavior.

Another offset would limit the annual amount of nonqualified deferred compensation for corporate executives. Rank-and-file workers generally have to pay taxes on their compensation when they earn it. The exception is deferred compensation provided through qualified retirement plans with statutory limits on contributions and benefits. A 401(k) is the best example.

Management, on the other hand, has no limit on the amount that can be deferred to nonqualified arrangements—no limit. The substitute sets the annual limit at the lesser of 100 percent of taxable compensation or $1 million.

These are sound changes. I urge my colleagues to support the substitute.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 116

Mr. ALLARD. Madam President, I want to take a moment to explain my amendment No. 116. This amendment gives the States the rights and the flexibility to determine a minimum wage that works best for them. My provision does not allow States to go any lower than the minimum wage they currently operate within their State.

This is an important amendment for small business, an important amendment as far as the States are concerned because cost of living and wages vary dramatically from State to State. A one-size-fits-all federally imposed minimum wage does not take into account the economic realities that exist in each State.

The States are already fulfilling their responsibilities of regulating wages. Currently, 28 States and DC have minimum wage rates above the Federal level. Because the minimum wage varies by State, this legislation threatens to impose a 41-percent increase on some States and a 0-percent increase on others.

Let's give the States the right and flexibility to regulate minimum wage. State legislatures are closer to the people and are better situated than the Federal Government to set a minimum wage. A one-size-fits-all solution under Federal mandate is not the answer to protecting America's economic security.

I urge my colleagues to join me in supporting this amendment that gives the States the flexibility to determine what is best for its own citizens.

When it is appropriate, Madam President, I will call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I ask unanimous consent that at 5:10 p.m. today the Senate proceed to a vote in relation to Allard amendment No. 116, and that the time until 5:10 p.m. be equally divided and controlled in the usual form, with no second-degree amendments in order to the amendment prior to the vote; further, that upon disposition of the Allard amendment, the Senate then resume Sununu amendment No. 112 and that Kerry amendment No. 187 to the Sununu amendment be considered and agreed to, the Sununu amendment, as amended, be agreed to, and the motion to reconsider be laid upon the table; provided, that the Senate then consider Feingold amendment No. 127 and that the amendment be modified with the language at the desk, and that it be agreed to, and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER (Mr. OBAMA). Without objection, it is so ordered.

AMENDMENT NO. 128 TO AMENDMENT NO. 100

(Purpose: To direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes)

Mr. KENNEDY. Mr. President, I ask unanimous consent to call up amendment No. 128 and ask that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. KERRY, proposes an amendment numbered 128 to amendment No. 100.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. KENNEDY. I ask that the amendment be set aside.

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

Mr. KENNEDY. Mr. President, just for the information of our colleagues, the Feingold amendment is an amendment that has been accepted by the Senate on a number of different occasions. It provides information-reporting on the buying of American goods. This is an effort to increase and support American workers. It has been accepted. We welcome that amendment.

The other amendment which my friend and colleague will speak to, Senators KERRY, SNOWE, and SUNUNU, I strongly support. This deals with the women's business center amendment. Our friends on the Small Business Committee have worked long and hard on this. It is a very interesting, innovative, and creative program that has created thousands of jobs and millions of dollars in wages, and it deserves favorable consideration. My colleague will speak to that in just a few moments.

On the Allard amendment, Members should understand what the effect of the Allard amendment is, and that is effectively to repeal the minimum wage for any States among the 50 States. That effectively is what the Allard amendment does. It says:

Notwithstanding, any employer should not be required to pay an employee the wage that is greater than the minimum wage provided by law of the State in which the employee is employed, and not less than the minimum wage in effect in that State.

So effectively it eliminates the minimum wage.

It is true we have had the minimum wage at $5.15 an hour. The underlying bill raises it to $7.25, with a very modest tax offset. Hopefully we will have an opportunity to vote on that.

It is true that the existing minimum wage is $5.15 an hour and a number of States have gone above this, but the concept of the minimum wage was that it was going to be a minimum payment, a minimum standard. What was accepted at the time of the minimum wage is that in this country, we didn't want to accelerate a rush to the bottom so that we would have competition in the various States to pay the lowest possible wages—sweat labor—in order to try to attract industries into those particular States, but to provide a minimum standard. Hopefully it was going to be a living standard for workers who worked 40 hours a week, 52 weeks of the year.

I respect the Senator from Colorado, his view on this issue, but if we accepted the amendment of the Senator, it would effectively eliminate the minimum wage as we know it.

I think the reason for the minimum wage, as we have tried to point out during the course of this debate in discussion, was to establish a basic floor as a standard for payment for individuals who worked long and hard in some of the most difficult jobs in this country. We have eliminated child labor. We have established laws with regard to overtime. We have tried to be not only the strongest economy in the world but one that is going to respect workers and workers' rights and workers' interests and workers' families. The minimum wage does not do so at the present time, but many of us will continue to battle to try to make sure it does. The Allard amendment brings us all in the opposite direction.

If I have any time left, I will reserve it. I know the Senator from Colorado will use his time.

Mr. ALLARD. Mr. President, I reiterate, my amendment gives flexibility to States to set their own minimum wage. What is an appropriate minimum wage level for one State does not apply for another, and has different potential effects on the ability for economic growth in that State. When you vote for my amendment, you are voting for State flexibility. The States are already fulfilling their responsibilities of regulating wages. My amendment does not allow the States to set a minimum wage lower than their current operating minimum wage as of January 1, 2007.

I ask my colleagues to join me in voting for the Allard amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if there are no further speakers—

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I am glad to yield a couple of minutes. I understand we have 3 or 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts controls 1 minute.

Mr. DEMINT. I understand we just have a few minutes. A few minutes ago, we thought we would be voting on one of the DeMint amendments, and we are still not sure if that is going to happen.

Mr. KENNEDY. If the Senator will yield, I find that there is strong support. We are just having difficulty getting a final time to be able to slot it in at this particular time. I am very hopeful we will be able to have that sometime in the very near future, and I will keep in close touch with the Senator. I thank him for his cooperation. I hope we will be able to.

AMENDMENT NO. 158

Mr. DEMINT. Mr. President, I will take a couple of moments to reexplain the amendment just in case we get to vote on it tonight or early in the morning.

We just heard Senator ALLARD talk about the need for State flexibility because of the different costs of living, the different economies, the different situations. In the United States today, we have 29 States that have set a minimum wage higher than the Federal minimum wage. That action really reflects the cost of living in different parts of our country.

The PRESIDING OFFICER. The remainder of the time is controlled by the Senator from Colorado.

Mr. DEMINT. Does the Senator yield?

Mr. ALLARD. The Senator from South Carolina seeks time? I yield time to the Senator.

Mr. DEMINT. We will talk until the next vote, how about that? What time is the next vote?

The PRESIDING OFFICER. The next vote is in 3½ minutes.

Mr. ALLARD. If the Senator from South Carolina will yield, Senator ENZI would also like to speak briefly on this amendment, if you will allow him at least a minute.

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes.

Mr. DEMINT. Two minutes.

Senator ALLARD has made a good case for the need for States to have flexibility to adapt the minimum wage to their particular State's cost of living. That is one option.

The amendment I have is quite different. It recognizes that we do have very different costs of living, such as in Massachusetts, Boston is 35 percent above the national average cost of living. If you go south to Mobile, AL, it is 11 percent less than the average cost of living. So the current $5.15 minimum wage which is in Alabama actually has more buying power than the $7.50 minimum wage which is now in effect in Massachusetts.

We are proposing that we be fair with this Federal minimum wage increase. The Senator from Massachusetts knows that, despite his passion for low-income workers and raising the minimum wage for workers, workers in 29 States will not get the full benefit. In fact, workers in Massachusetts will get no raise at all. Workers in Washington, Oregon, or California will get no raise, as will the minimum wage workers in Vermont or Connecticut or Rhode Island. All the States here in blue, the highest cost of living States in our country, will get either no increase or less than a 10-cent increase from this $2.10. The States in the white get some increase but, again, not the full increase. Really, most of the States that would get the full $2.10 increase are low-cost-of-living States around our country, again where the cost of living is more in tune with the $5.15 minimum wage.

Frankly, I would like every worker to be making a lot more money, and there are a lot of other things we can do to make that happen. But if we are going to have a Federal minimum wage, let it reflect the cost of living in every State. Let's give every minimum wage worker in this country a raise when we pass this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming has 1 minute under the previous order.

Mr. ENZI. Mr. President, I listened to the Senator from Minnesota earlier today, Ms. KLOBUCHAR, and thought she had some very convincing comments regarding the tip credit. In conjunction with that, she suggested that States ought to be able to do what they want to do. That is what this bill does.

Even if one accepts the idea that the minimum wage should be used as a tool of economic policy, it is quite obviously a tool that should be used with precision, not indiscriminately wielded like a sledge hammer.

State and local economies are vastly different, however, one-size-fits-all Federal legislation totally dismisses those important differences. It also misses the point that states are in a far better position to determine what is best for their local economies. Federal ''solutions'' often ignore local and regional experience and judgment, or worse still, just arrogantly cast it aside.

There is just no room for debate over the fact that there is a vast difference from State to State in terms of the cost of living, the cost of doing business, and the purchasing power of a dollar. A nationally based minimum wage adjustment simply ignores these important differences. It discriminates against both employees and employers based solely upon where they choose to live and work or to establish their businesses.

Proponents of an across-the-board Federal minimum wage increase might be able to ignore these realities and claim that somehow the Federal Government was ''forced'' to act because States ''refused'' to do so. Unfortunately for those who make this argument, nothing could be further from the truth.

State legislatures have been, and continue to be extremely active in considering minimum wage legislation that is appropriately tailored to the economic realities of their respective States. Consider that 6 states this year have passed ballot initiatives raising their State's minimum wage law, and 29 States now have minimum wage rates higher than the current Federal level. I urge my colleagues to consider that States and localities may have a better idea of what their appropriate minimum wage level should be than the Federal Government. When the Federal level does not fit, States and localities act.

I urge my colleagues to support the Allard amendment.

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

The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I recognize that all or nearly all time under control has expired, but I ask unanimous consent to speak for 1 minute on an amendment on which the chairman and ranking member have come to agreement.

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

AMENDMENT NO. 112

Mr. SUNUNU. Mr. President, Senator KERRY spoke earlier about the importance of women's business centers. I offered an amendment at the beginning of the debate a couple of days ago that would ensure continuation of funding for some of the high-performing women's business centers across the country, one of them being in Portsmouth, NH, a small facility that manages to serve 1,300 women. It covers Maine, covers northeastern Massachusetts, as well as clients across New Hampshire. Senator KERRY and Senator SNOWE offered a modification to the amendment which we have agreed to accept, I think. I hope that is going to be passed on a voice vote and then my amendment with his improvements will be voted on by voice.

I thank Chairman KENNEDY, Senator KERRY, Ranking Member Enzi, and my dear friend from Maine, Senator SNOWE for working with me to ensure that this can get done in a timely way. This continuation of funding will make a difference for, of course, dozens of business centers, but that translates into thousands of women entrepreneurs across the country. Those small firms in New Hampshire and across the country are the ones that really drive economic growth. I appreciate the work they have done, Senator SNOWE and Senator KERRY.

VOTE ON AMENDMENT NO. 116

The PRESIDING OFFICER. All time is consumed. The question is on agreeing to amendment No. 116. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 69, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—28

Alexander	Cornyn	Inhofe
Allard	Craig	Isakson
Bennett	Crapo	Kyl
Bond	DeMint	Lott
Brownback	Ensign	McCain
Bunning	Enzi	McConnell
Burr	Graham	Sununu
Chambliss	Gregg	Thomas
Coburn	Hagel	
Cochran	Hatch	

NAYS—69

Akaka	Bingaman	Cantwell
Baucus	Boxer	Cardin
Bayh	Brown	Carper
Biden	Byrd	Casey

Clinton	Landrieu	Roberts
Coleman	Lautenberg	Rockefeller
Collins	Leahy	Salazar
Conrad	Levin	Sanders
Corker	Lieberman	Schumer
Dodd	Lincoln	Sessions
Dole	Lugar	Shelby
Domenici	Martinez	Smith
Dorgan	McCaskill	Snowe
Durbin	Menendez	Specter
Feingold	Mikulski	Stabenow
Feinstein	Murkowski	Tester
Grassley	Murray	Thune
Harkin	Nelson (FL)	Vitter
Hutchison	Nelson (NE)	Voinovich
Kennedy	Obama	Warner
Kerry	Pryor	Webb
Klobuchar	Reed	Whitehouse
Kohl	Reid	Wyden

NOT VOTING—3

Inouye	Johnson	Stevens

The amendment (No. 116) was rejected.

Mr. KENNEDY. I believe under the consent agreement we were going to act now on the Sununu amendment 112 and the Kerry amendment 187; is that correct?

The PRESIDING OFFICER. The amendment has not been sent up yet.

AMENDMENT NO. 187 TO AMENDMENT NO. 112

Mr. KENNEDY. Madam President, I call up amendment No. 187.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. KERRY, for himself, Ms. SNOWE, and Mr. SUNUNU, proposes an amendment numbered 187 to amendment No. 112.

The amendment is as follows:

AMENDMENT NO. 187

(Purpose: To provide a complete substitute)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(m) CONTINUED FUNDING FOR CENTERS.—

''(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

''(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

''(3) APPLICATION AND APPROVAL CRITERIA.—

''(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

''(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

''(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

''(4) AWARD OF GRANTS.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

''(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

''(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

''(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

''(5) RENEWAL.—

''(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

''(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

''(n) PRIVACY REQUIREMENTS.—

''(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

''(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

''(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

''(A) restrict Administration access to program activity data; or

''(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

''(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).''.

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

Mr. KENNEDY. Madam President, I support this amendment offered by Senators KERRY, SNOWE and SUNUNU. This amendment provides essential ongoing support to Women Business Centers and has received bipartisan support in the small business committee and I urge my colleagues to support it.

Women small business entrepreneurs are making gains in today's economy and have grown dramatically over the last few decades. In my State of Massachusetts women-owned small businesses have grown by 13 percent since 1997. But they still account for only one-third of all small businesses in the State. Nationally, they make up only 28 percent of all small businesses.

Women Business Centers provide essential training and support to women of all incomes, and of all races to help them start and grow their small business. These centers even the playing field for women entrepreneurs who still face significant obstacles in the world of business.

The Center for Women and Enterprise in Massachusetts, has served over 12,000 women who created 16,000 new jobs and generated more than $470 million in wages since 1995.

We must make this program permanent and make sure that women can participate in small business that is so vital to our national economic growth.

Women entrepreneurs are precious national assets that employ millions of workers and generate billions in wages. We should not limit their potential.

I urge my colleagues to support this amendment to support our women entrepreneurs.

Mr. KERRY. Madam President, I rise to speak about amendment No. 187. I offer this amendment along with my colleagues Senators SNOWE and SUNUNU to keep open our Nation's most experienced and successful women's business centers. These centers—including those in Boston and Worcester in my home State of Massachusetts, in Portsmouth, NH, and in Wiscasset, ME—provide business counseling and financial literacy training to women who want to start or grow a business. We need to pass this amendment so that the women's business centers have access to the Federal matching money that is necessary to raise private sector capital.

For several years now Senator SNOWE and I have been working on a solution to keep open the most experienced centers. Last summer our committee passed a bill that would keep these centers open, though it did not become law. I want to thank Senator SNOWE and her staff for their collaboration on this important issue, and I also want to thank Senator SUNUNU for working with us to incorporate changes into his original amendment that reflect our committee's work. I thank the very able and resourceful executive directors of the women's business centers for working with us all these years to keep their centers going, providing women with the tools they need to make their businesses succeed. In my home State, that includes our current leader, Ms. Donna Good, and her predecessor, Andrea Silbert, who started the Center for Women & Enterprise.

In my 21 years on the Committee on Small Business and Entrepreneurship, I have consistently promoted women entrepreneurs and fought for adequate funding for the women's business centers. As chairman of the committee in the 110th Congress, I will do the same and urge my colleagues on both sides of the aisle to support this amendment. This important legislation will allow established women's business centers to receive renewability grants after their initial grant cycle of matching funds has expired.

The concept of sustainability grants is something I originally introduced in 1999 with my Women's Business Center

Sustainability Pilot Program—a bill that garnered widespread bipartisan support and was instrumental in securing additional funding to allow successful and effective centers keep their doors open for women entrepreneurs in their community. And last Congress Senator SNOWE and I introduced the Women's Small Business Ownership Programs Act, which allowed proven centers with a successful track record to receive additional 3-year renewal grants beyond an initial 4-year grant cycle.

The amendment we introduced today builds upon our previous legislative proposals by giving established women's business centers the ability to apply for 3-year grants on an ongoing basis. It would provide women's business centers with a permanent funding stream in the future.

By adopting this amendment today, we will ensure that successful and experienced centers are able to continue serving entrepreneurs by giving women-owned small businesses the tools they need to grow and flourish.

Madam President, I ask my colleagues to vote in favor of this amendment.

Ms. SNOWE. Madam President, I rise to speak to the second-degree amendment currently pending today that Senator KERRY and I have introduced along with Senator SUNUNU. I would first like to commend my colleague Senator SUNUNU for taking the initiative and offering the original women's business center amendment that includes critical legislation to keep this longstanding program operating.

This second-degree amendment expands upon Senator SUNUNU's amendment by addressing the continuation of the women's business center sustainability program, a 5-year pilot program that expired in October 2003. I am pleased to have worked closely with Senator KERRY, the original author of this program, to find a permanent solution to keep the most experienced centers funded and operating.

We cannot afford to ignore, or minimize, the extraordinary contributions America's businesswomen are making to our economy, our culture, and our future. The achievements of women entrepreneurs are undeniable. Women-owned firms generate almost $2.5 trillion in revenues. They employ more than 19 million workers and are the fastest growing segment of today's economy. In my home State of Maine alone, more an 63,000 women-owned firms generate an astounding $9 billion in sales. That is truly a record we can all be proud of.

There can be no doubt the Small Business Administration's, SBA, women's business center program has been an indispensable party on the path to success. In 2006, the 99 women's business centers nationwide served more than 144,000 clients across the country. Whether focused on expanding access to more affordable employee health coverage—enhancing Federal contract procurement opportunities for women-owned businesses—or improving access to capital, the women's business center program has been an invaluable resource to women-owned businesses in my home State of Maine and across the Nation.

The fact is, since the program was created in 1988, Congress renewed the program seven times, and made it permanent in 1997. The women's business centers' unique training and counseling has helped clients generate more than $235 million in revenue and create or retain over 6,500 jobs in 2003. This program clearly has a record of success, fostering job growth and providing American small businesses with the opportunity to thrive.

Women entrepreneurs continue to face tremendous challenges—access to business assistance, access to capital, and access to Federal Government contracting opportunities. The ''glass ceiling'' in corporate America that led many women to start a small business has been transformed into another obstacle—a ''glass doorway''—between women who want to start and grow businesses and the lending and Federal contract markets these women entrepreneurs seek to enter. Overcoming these obstacles requires that women are provided the business assistance tools they need, which we here in Congress can ensure through the programs and services established within the Small Business Administration.

Over the past 4 years as chair of the Small Business Committee and now as ranking member, I have carefully examined the SBA's programs with a particular focus on the agency's initiatives that are intended to foster women-owned businesses. I introduced numerous bills in the 108th and 109th Congress to improve and revitalize these programs.

In fact, in July 2006, I led the Small Business Committee in unanimously reporting out the Small Business Reauthorization and Improvements Act, S. 3778. This reauthorization package incorporated a bill, the Women's Small Business Ownership Programs Act of 2006, S. 3659, that I, along with Senator KERRY, introduced and which was cosponsored by Senator SUNUNU.

The issue before us today is whether to renew and make permanent the Women's Business Centers Sustainability Grants Program, which unfortunately expired in 2003. This amendment is designed to address these issues and improve the programs and services that the SBA delivers across the Nation for women business owners. The need and the impressive record of the women's business centers only supports the reasons for making the program permanent. The centers have proven to be a great value to the communities they serve, so we must ensure their programs and services continue to be available.

Two years ago, the funding for the women's business center in my home State of Maine expired. This center, Coastal Enterprises, has struggled since then to find funding necessary to continue providing vital assistance to women entrepreneurs across the State of Maine. Coastal Enterprises has helped women entrepreneurs succeed for over 10 years, and we must ensure the center receives this critical assistance to continue its operation.

The duty rests upon us to foster an environment favorable to economic expansion so that each business can travel down their road of success. This amendment achieves that goal—and not by establishing costly new initiatives but by building on successful established programs within the SBA and improving their delivery for the benefit of current and future women entrepreneurs.

My responsibility as ranking member of the committee includes ensuring that every woman who owns a small business—or any woman who dreams of owning one—has the resources, the support, and the opportunities they need to embark on their next great entrepreneurial adventure.

I ask my colleagues to support our bipartisan amendment.

The PRESIDING OFFICER. Under the previous order, that amendment is agreed to.

The amendment (No. 187) was agreed to.

The PRESIDING OFFICER. The Sununu amendment as thus amended is agreed to.

The amendment (No. 112), as amended, was agreed to.

AMENDMENT NO. 127, AS MODIFIED, TO AMENDMENT NO. 100

Mr. KENNEDY. Madam President, I send to the desk the modified Feingold amendment numbered 127.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. FEINGOLD, proposes an amendment numbered 127, as modified, to amendment No. 100.

The amendment is as follows:

AMENDMENT NO. 127, AS MODIFIED

(Purpose: To amend the Buy American Act to require each Federal agency to submit reports regarding purchases of items made outside of the United States, and for other purposes)

At the end, add the following:

SEC. _____. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies

purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

''(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

''(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

''(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

''(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

''(D) a summary of—

''(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

''(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

''(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

''(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

The PRESIDING OFFICER. Under the previous order, that amendment is agreed to.

The amendment (No. 127), as modified, was agreed to.

Mr. KENNEDY. Madam President, for the benefit of the Members, we have today disposed of six amendments. We have 18 other amendments pending. The staffs will work over the evening. Some look like we can move along early tomorrow. We are planning a full day tomorrow. We have had a total of over 90 amendments that have actually been filed. We thank all of our colleagues for their cooperation. We are expecting a full day, with a number of votes tomorrow. We are looking forward in the near future to getting final action on an increase in the minimum wage.

I yield the floor.

Mr. WARNER. Madam President, I wish to proceed as in morning business.

The PRESIDING OFFICER. The Senate is not in morning business.

Mr. KENNEDY. If the Senator desires to speak as in morning business, I don't think there would be any objection.

Mr. WARNER. I hope there would not be any objection.

Madam President, may I suggest the Senator from Idaho be recognized and I be recognized following his remarks.

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

The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I will take 5 minutes or less to speak on a matter of importance, in terms of the process we are following as we consider the Small Business and Work Opportunity Act.

The concern I raise is regarding compensation-related tax increases that came out of the Senate Committee on Finance as part of this package.

The Small Business and Work Opportunity Act includes $8.3 billion worth of business tax reductions that are paid for with offsetting tax increases. Two of these tax increases relating to the tax treatment of compensation are brandnew proposals that have never been examined by either the Committee on Finance or the full Senate. In fact, the legislative language was not even available when H.R. 2 was brought to the Senate.

The concern I have about the process is this: Almost half of the business tax cuts in the package we are considering are extensions of current tax law provisions that Congress has previously passed with broad bipartisan support without offsetting tax increases.

I understand the desire to offset the cost of new tax policies, but I am concerned about increasing taxes on individuals and employers to offset extensions of current policy. Mandatory spending programs, which are the real source of budgetary pressure, are automatically extended every year. These automatic extensions are not paid for because they represent extensions of current law. The same standard should apply to current tax policy.

We will engage in a debate over the pay-as-you-go budget requirements when a pay-go proposal is submitted to the Senate. Until that time, I urge my colleagues, we should not raise taxes to offset current tax law, particularly if the tax increase proposals have never been vetted. Making major changes to the tax law without full examination of the policy proposals will lead to unintended consequences and create real burdens on many of the employers that this bill seeks to help.

I will point out a few of the concerns these new proposals do raise that, as I said, were not raised in the Committee on Finance as we did not have time to review them carefully.

One of the proposals, the new limits on deferred compensation, limits the amount of compensation an employee can save in a nonqualified deferred compensation plan or an NQDC plan. I know we are getting into acronyms and some of the complications of the code, but these things have real consequences in the business of our country. I have several significant concerns with this proposal which were not addressed during the Committee on Finance consideration of the bill.

First, the proposal does not target executives. NQDC plans benefit a wide range of workers, including nonmanagerial employees. The Committee on Finance proposal affects all employees in the plan, not just executives. As a result, the proposal would limit the amount that mid-level workers can set aside for retirement, attacking one of the objectives that we in America need to be paying strong attention to, the ability of Americans to begin saving assets for retirement.

Second, the proposal does not target multimillion dollar salaries—again, one of the justifications for the proposal. It is said that this is the million-dollar salary provision. Yet the cap on annual deferrals is set at the lesser of $1 million or a 5-year average of past compensation. This could have negative consequences on employees at a much lower salary level.

For example, consider a nonmanagerial employee who worked at a manufacturing plant for 13 years at an average salary of $60,000 over the past 5 years. In the process of downsizing, this employee may be offered a severance package that includes 1 year of health benefits plus 2 years of severance pay for every year on the job. A severance package of this size would add up to $141,000 paid over a number of years. The present value of this package—in other words, the value stream of the payments in today's dollars—is $125,000. Since the employee is bound by a $60,000 cap on deferrals, this severance would be taxed and hit with a 20-percent tax penalty. This is hardly the result we would want.

This proposal does nothing to create parity in compensation between executives and rank-and-file workers and, in fact, does not limit the amount that executives can be paid as, again, is the stated intention behind the inclusion of this proposal in the bill. It simply requires them to pay taxes on their compensation sooner rather than later. Yet it has that unintended consequence that we often speak so much about in the Senate of reaching much more broadly than the payment of high salaries to the high-paid executives and hitting the mid-level managers in the businesses around our country who will pay tax penalties because we did not take the time to pay close attention to the kinds of provisions contained in the bill.

All of us have been contacted by those in the country who are concerned about this, organizations such as the American Bankers Association, the American Benefits Council, the American Council of Life Insurers, the Association for Advanced Life Underwriting, the ERISA Industry Committee, FEI's Committee on Benefit Finance, FEI's Committee on Taxation, the HR Policy Association, the National Association of Manufacturers, the Securities Industry and Financial Markets Association, the Financial Services Roundtable, and, of course, the U.S. Chamber of Commerce. These groups which represent businesses of all sizes around the country, which seek to provide benefits and support for their employees, are asking us to pay attention to the process by which we put proposals of this kind into the Tax Code without the kind of due deliberation they deserve.

Hopefully, during the process of the consideration of this bill, we will have

an opportunity to correct these unintended consequences and make sure that the midlevel managers and others who are involved in NQDC plans—nonqualified deferred compensation plans—do not face these tax penalties we never intended them to face.

I thank the Chair.

Mr. SPECTER. Madam President, I seek recognition to speak in support of S.2, the Fair Minimum Wage Act of 2007, of which I am a cosponsor, to increase the Federal minimum wage to $7.25 per hour by 2009. The last time Congress voted to raise the minimum wage was in 1996, raising it from $4.25 to $4.75 to eventually $5.15 in 1997.

History clearly demonstrates that raising the minimum wage has no adverse impact on jobs, employment, or inflation. In the 4 years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. More than 11 million new jobs were added, at the pace of 232,000 per month. We need to ensure that hard working Americans that are paid the minimum wage are given an increase because there has been no increase for almost 10 years, while cost-of-living adjustments have been provided to others.

In my home State of Pennsylvania, the State minimum wage was increased from $5.15 per hour to $6.25 per hour on January 1, 2007. On July 1, 2007, the State minimum wage will increase to $7.15 per hour. Many States surrounding the Commonwealth of Pennsylvania, including New York, New Jersey, Maryland, and Ohio, have already increased their State minimum wage above the Federal minimum wage with a State wage rate of $7.93 per hour. With 29 states, including Pennsylvania, passing laws to increase their state minimum wage above the Federal wage, it is crucial for this body and this Congress to pass legislation to increase the Federal wage rate to have consistency across the entire United States.

The official poverty rate in the United States increased from a 26-year low of 11.3 percent in 2000 to 12.6 percent in 2005, including 12.9 million children. The nonprofit, nonpartisan think tank, the Economic Policy Institute, EPI, estimates that 11 percent of the work force, or about 14.9 million workers, would receive an increase in their hourly wages if the Federal minimum wage was increased to $7.25 by 2008. Also, 59 percent of those workers likely to benefit are women and 9 percent are single parents. Further, evidence from an analysis of the 1996–97 minimum wage increase shows that the average minimum wage worker brings home more than half, 54 percent, of his or her family's weekly earnings.

Increasing the Federal wage would enable a working family to afford almost 2 more years of childcare, full tuition for a community college degree, and many other staples for a healthy standard of living. Unfortunately, the current minimum wage fails to meet these standards. Congress needs to act. The longer there is inaction, the more behind minimum wage earners get in paying expenses just to survive.

Since taking office in 1981, I have consistently supported increasing the Federal minimum wage. I understand the importance of ensuring that the minimum wage keeps better pace with inflation. The real value of the minimum wage has declined steadily in recent years and it is long past due for an increase. America's working families work hard every day, sometimes at two or three jobs, just to make ends meet. We need to pass this legislation to give these families leverage to compensate for the increased costs of living over time.

The U.S. Department of Labor's Bureau of Labor Statistics defines inflation as ''the overall general upward price movement of goods and services in an economy.'' The Bureau compiles statistics, called the Consumer Price Index, CPI, to measure the rate of inflation on a yearly December to December basis. CPI is measured by utilizing prices of a ''market basket'' of goods and services purchased by an urban family, in which a market basket is individual items weighted by how much the urban family spent on those same items in a base year period—currently 1982–1984. By any measure, the current minimum wage does not have the same buying power as it did in 1997, the last time the Federal minimum wage was increased.

According to the Department of Labor, the rate of inflation from 1997 at 1.7 percent has increased at least 2.7 times to 4.7 percent in 2006. While the price of items has increased almost three times what they had cost in 1997, America's working families who depend on the Federal minimum wage have not seen any increase at all in the wages they take home.

The Congressional Research Service of the Library of Congress has done nonpartisan research regarding the Federal minimum wage. They have found that those who earned below $7.25 an hour in 2005 were more than likely to have been women, 7 out of 11 million, of Hispanic origin, young, i.e., age 16–14; over fifty percent, or old, i.e. age 65 and above; 3.6 percent, lacking a high school degree, 38.1 percent, working part-time, i.e. less than 35 hours a week; 35.1 percent, and not represented by a labor union, 16.7 percent. Continuing, the report states that the families of these workers were more than likely than other families in 2005 to have been poor, receiving welfare, and lacking health insurance. As a frame of reference, in the private sector in 2005, the average wage of nonmanagement employees was $16.11 an hour according to the Bureau of Labor Statistics survey of employers.

While I do support increasing the Federal minimum wage, I am very much concerned about the impact on small businesses. In my travels throughout Pennsylvania, I have heard from many small business owners about the unfairness in our tax laws and the burden placed upon them in comparison to large corporations. These complaints have been coupled by minimum wage earners who have struggled to make ends meet on just $5.15 per hour.

After reviewing the available data, I believe that increasing the minimum wage will help those in need and will not adversely affect small businesses. A 1998 EPI study did not find any significant job loss associated with the 1996–1997 Federal minimum wage increase. On the other hand, the low-wage labor market—i.e. lower unemployment rates and increased average hourly wages—had performed better than in previous years. Small business owners in those states with higher minimum wage rates than the Federal minimum wage rate, such as the State of Washington at $7.93 per hour, appeared to have prospered. The New York Times reported on January 11, 2007 that small business owners in Washington's neighboring State of Idaho are hurting because of the State's low minimum wage rate of $5.15 per hour. Many residents living near Washington seek jobs in the Evergreen State, forcing small business owners to offer more than Idaho's minimum wage in order to hire new employees.

Small businesses are recognized as an integral part of a powerful economic engine in America. As a critical job creator, they have helped build the prosperity that our country has shared. Nationwide, small businesses employ 52 percent of the private work force and contribute to 47 percent of all sales, spending over $1.4 trillion in annual payrolls. We need to strike a balance between the needs of these employees and their employers, who will be tasked with paying for any increase in the minimum wage.

To counter balance the increase in the minimum wage, I have supported many significant measures to help small businesses in recent years. In the 109th Congress, I was a cosponsor of S. 406, the Small Business Health Fairness Act and introduced my own bill in the 108th Congress, S. 2767, the Small Business Economic Stimulus Act, which would have enabled small businesses to join together to form associated health plans.

Further, on May 9, 2006, I voted to invoke cloture (to end debate) on S. 1955, the Small Business Health Plans bill. Further, in 2005, I supported S.2020, the Tax Relief Act of 2005, which passed the Senate 64–33. Among other provisions, this bill sought to extend various tax relief provisions for businesses including bonus depreciation and increased expensing for small business property. I have also consistently supported the U.S. Small Business Administration, SBA, and funding for the Small Business Development Center, SBDC, program, which operates in partnership with 16 Pennsylvania colleges and universities and assists entrepreneurs and

small businesses through consulting, education and business information. This program received $89 million in fiscal year 2006.

It is my expectation that the small business incentives proposed by the Senate Finance Committee will ultimately become law in legislation which increases the minimum wage.

Mrs. FEINSTEIN. Mr. President, I rise today in support of a minimum wage increase that provides American workers a raise with no strings attached. It has been nearly a decade since the minimum wage was last increased. We can no longer afford to delay action, and millions of hard-working Americans deserve better.

The Federal minimum wage today is only $5.15 per hour. Someone who works at this rate for 40 hours a week, 52 weeks a year takes home less than $11,000 annually far below the poverty line for families.

Increasing the Federal minimum wage to $7.25 per hour would impact nearly 13 million Americans, the majority of whom are women, 59 percent, and people of color, 40 percent. Eighty percent of those impacted would be adult workers, and most are full-time employees.

The consequences of nearly a decade of inaction are clear.

Almost 40 million Americans live in poverty, 13 million of whom are children.

Increasing the Federal minimum wage to $7.25 would add nearly $4,400 to a minimum wage worker's annual income, representing, for many families, the difference between self-sufficiency or living below the poverty line.

For most Americans, the choice is clear. In the last election, voters in six States Arizona, Colorado, Missouri, Montana, Nevada, and Ohio supported initiatives to increase their State minimum wages. In fact, 29 States, nearly 60 percent, have a minimum wage above the Federal level.

I am proud that my own State of California has one of the highest minimum wages in the country, at $7.50 per hour, increasing to $8.00 per hour next year. Many California cities and counties stipulate that workers must be paid a living wage, which in some cases guarantees an additional $3 or $4 per hour.

There are two options before the Senate today. This body can act swiftly and stand behind nearly 13 million workers, Or we can delay action, by modifying the legislation before us to include $8.3 billion in tax breaks for small businesses.

Packaging the minimum wage bill with these tax cuts is disadvantageous to businesses and minimum wage workers. Adding a tax package creates procedural hurdles that could significantly delay implementation of this wage increase.

The U.S. Chamber of Commerce opposes linking these small business tax breaks to this legislation because many of the tax provisions are only temporary extensions. They do not provide the long-term relief that businesses seek.

Considering the package of small business tax cuts separately would facilitate a more robust discussion of how small businesses the primary job creators in this country can receive genuine relief from the rising costs of operations.

Many small business owners would suffer no adverse impact if the minimum wage were increased. A recent Gallup Poll in the Sacramento Business Journal showed that 86 percent of small business owners surveyed do not believe that an increase in the minimum wage would harm their businesses.

Nearly 75 percent of small business owners thought that a 10 percent minimum wage increase would have no impact on their businesses at all. More than half of those polled thought the minimum wage should actually be increased.

The evidence shows that increasing the minimum wage does not adversely affect the economy. In fact, in Los Angeles and San Francisco, raising wages added stability to many businesses and the local economy.

In San Francisco, turnover for home-care workers fell by 57 percent after the city implemented its living wage policies.

The average job tenure of workers in fast food restaurants increased by 3.5 months.

In Los Angeles, businesses affected by a living wage ordinance had one-third less turnover among low wage earners, and absenteeism declined.

Higher wages improve worker loyalty and increase employee retention, while decreasing employee hiring and training costs.

Let me be clear: I support many of the tax cuts for small businesses. I think they should be considered, with the proper offsets, as part of a separate revenue-neutral tax bill. But they should not be included in this must-pass minimum wage bill.

Ensuring that all American workers receive fair pay for a hard day's work should not be a partisan issue. The House overwhelmingly passed this legislation by a vote of 315 to 116, with more than 80 Republicans crossing party lines to support this cause.

Congress has increased the minimum wage nine times since the enactment of the Fair Labor Standards Act, under both Republican and Democratic administrations. Only once, in 1996, was a minimum wage increase paired with tax cuts.

The purchasing power of the minimum wage is at its lowest level since 1955. The cost of living is up 26 percent since the last minimum wage increase in 1997.

It is unfair to punish hard working people and make them wait for an increase. We must not delay. We must not bog down this bill with procedural tactics.

American workers deserve better. I urge my colleagues to do what is fair and just: Pass a clean minimum wage bill. Let's provide immediate relief to those who need it most.

I thank the Chair.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Virginia is recognized.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak for up to 5 minutes each.

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

Mr. WARNER. Mr. President, I desire to address the Senate at this time. It would be my hope that my colleague, the Senator from Nebraska, could follow me and, indeed, following the Senator from Nebraska, the Senator from Maine. I put that in the form of a unanimous consent request at this time.

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

(The remarks of Mr. WARNER, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. SALAZAR pertaining to the submission of S. Con. Res. 4 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

REQUEST FOR SEQUENTIAL REFERRAL

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me dated January 24, 2007, from Senator LEVIN.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 24, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Pursuant to paragraph 3(b) of S. Res. 400 of the 94th Congress, as amended by S. Res. 445 of the 108th Congress, I request that the Intelligence Authorization Act for Fiscal Year 2007, as filed by the Select Committee on Intelligence on January 24, 2007, be sequentially referred to the Committee on Armed Services for a period of 10 days. This request is without prejudice to any request for an additional extension of five days, as provided for under the resolution.

S. Res. 400, as amended by S. Res. 445 of the 108th Congress, makes the running of the period for sequential referrals of proposed legislation contingent upon the receipt of that

legislation ''in its entirety and including annexes'' by the standing committee to which it is referred. Past intelligence authorization bills have included an unclassified portion and one or more classified annexes.

I request that I be consulted with regard to any unanimous consent or time agreements regarding this bill.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Chairman.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote the evening of January 18 on a very significant amendment offered by my colleague from Utah. During consideration of S. 1 last week, I was concerned with section 220 of the bill, which would have severely undermined the ability of Americans to be informed about what is happening here in the Capitol and, thereby, to petition the Congress with their thoughts. I applaud Senator BENNETT for offering his amendment to strike these so-called grassroots lobbying provisions from the ethics reform bill, and I thank Senate Republican Leader MCCONNELL and Senator BENNETT for their leadership in ensuring this amendment's success. I ask that the RECORD reflect that, had I been here, I would have voted in favor of Senator BENNETT's amendment No. 20 last Thursday night.

Additionally, I applaud the Senate's careful consideration and passage of S. 1, the Legislative Transparency and Accountability Act. Although I was unable to attend the vote on final passage of S. 1, I support the bill and hope that a conference to resolve differences between the House and Senate passed bills is convened soon. Scandals involving lobbyists and members of Congress from both sides of the aisle have shaken the American public's confidence in Congress's ability to do business objectively and judiciously. Although S. 1 fails to address transparency for so-called 527 organizations and fails to provide the President the authority to veto wasteful pork projects, passage of this bill is an important step toward broadening transparency in the legislative process, and I look forward to sending a balanced bill to the President's desk. I ask that the RECORD reflect that, had I been here, I would have voted for the bill, just as I voted for a similar ethics reform bill on March 29, 2006.

HONORING OUR ARMED FORCES

CAPTAIN BRIAN FREEMAN

Mr. DODD. Mr. President, a month ago, I traveled to Iraq to meet there with our men and women in uniform. One soldier in particular stood out to me, a bright young West Point graduate, CPT Brian Freeman. Our conversation lasted for no more than 5 minutes, and yet I was immediately struck by his outspoken intelligence. ''Senator, it is nuts over here. Soldiers are being asked to do work we're not trained to do,'' he told me. ''I'm doing work that State Department people are far more prepared to do in fostering democracy, but they're not allowed to come off the bases because it's too dangerous here. It doesn't make any sense.''

Now those words have taken on a tragic resonance. Four days ago, according to media accounts, 30 gunmen disguised as U.S. officials penetrated an Iraqi checkpoint in Karbala. Once inside the Army compound, the reports say, they opened fire and mortally wounded five American soldiers.

On Sunday, Charlotte Freeman was visiting her family in Utah when she found a message on her cell phone. Army chaplains had been to her house in California. The daily e-mails from her husband Brian had stopped. I imagine that few things have more anguish in them than waiting, in suspended fear, for the news of a loved one's death. Late that afternoon, the news came.

So I rise to honor Captain Freeman and to add my voice to his family's prayers. His giving spirit and his self-sacrifice embodied all the best of our Armed Forces, whether he was working to take the son of a Karbala policeman to America for heart surgery or fighting to secure death benefits for the family of his murdered interpreter or organizing a charity to fund medical care for Iraqi children. In his duty as a liaison between the Army and the Government of Karbala Province, he proved every day his dedication to the Iraqi people; the Governor of Karbala praised him as ''a soldier and a statesman.''

But the virtues we saw in Brian shone through even clearer to those who loved him: Charlotte, his wife; his 3-year-old son Gunnar and his 14-month-old daughter Ingrid; his father Randy and his stepmother Kathy; his mother and his stepfather, Kathleen and Albert Snyder. ''Brian is a beautiful man,'' his mother-in-law, Ginny Mills, wrote to me shortly after his death.

''He is loving, funny, and intelligent. He had a spirit in him that saw the good in life. A man who put his life on the line to help those less fortunate than himself. A man who was a loving husband and a devoted father. A man whose daughter will never know him first-hand.''

In the place of a husband and father who will never see his children grow up, Brian Freeman's young family will have to live on with the warm memories of the man who loved them and who risked his life in the service of his country. Memories and words of comfort are so insufficient, so small, next to the flesh and blood. But there is nothing else to put in their place.

I have nothing else to add—except to note that the scenes of grief and comfort in the home of Charlotte Freeman have played themselves out, in some form or another, 3,000 times, in 3,000 families, for 3,000 lives. ''Each story is the same,'' wrote Ginny Mills. ''A wonderful, beautiful soul sacrificed.''

''I cannot understand that this war goes on and on,'' she wrote. ''It has to stop. It has to stop now and I need to know how to do that.''

May God send comfort to her and to all of Captain Freeman's family and to every family that is bereaved. And may we remember, in every hour of our deliberations, the young lives that bear the burden of the choices we make in this Chamber.

COMMITTEE ON ENERGY AND NATURAL RESOURCES RULES OF PROCEDURE

Mr. BINGAMAN. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit the rules governing the procedure of the Committee on Energy and Natural Resources, which the committee adopted earlier today, for publication in the CONGRESSIONAL RECORD.

I ask unanimous consent that they be printed in the RECORD.

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

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Hearings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and all the hearings of any of its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee unless a majority of all the Members of the Committee agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is non-

controversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include a legislative measure, nomination, or other matter on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee on matters not included on the public agenda. The Staff Director shall promptly notify absent Members of any action taken by the Committee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b) and (c), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation or preliminary inquiry unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation or inquiry shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the terms ''investigation'' and ''preliminary inquiry'' shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at such hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or Subcommittee meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, pursuant to the requirements of rule XXVI, section 2, of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Homeland Security and Governmental Affairs for the 110th Congress adopted by the committee on January 24, 2007.

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

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 3 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 3-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. (d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. The written copy of amendments in the first degree required by this Rule may be provided by electronic mail. This subsection may be waived by a majority of the Members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal

Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or (6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session hall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a earing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee, provided

that the Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations;

Oversight of Government Management, the Federal Workforce, and the District of Columbia;

Financial Management, Government Information, Federal Services, and International Security.

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: The nominee has responded to pre-hearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

TRIBUTE TO WESLEY AUTREY

Mrs. CLINTON. Mr. President, I rise today to discuss a resolution I submitted on January 8 in recognition of the uncommon valor and tremendous bravery demonstrated by New York City resident Wesley Autrey.

On January 2, 2007, Mr. Autrey and others stood on a platform in the 137th Street subway station in Harlem, and watched as a young man suffering from a seizure fell onto the train tracks. Terrified by what he saw, Mr. Autrey heroically dove down onto the tracks, putting his own life in grave danger to save that of a stranger. Mr. Autrey covered the young man in the trough between the tracks as the incoming train screamed to a halt just inches above his head.

Later, when asked about the courageous rescue, Mr. Autrey responded humbly, saying, ''I'm not looking at this like I'm the hero, cause the real heroes are the young men and women that are fighting in Iraq now. What I did is something that any New Yorker should do . . . if you see somebody in distress, do the right thing.''

We could all learn from Wesley Autrey's example. A proud member of the Construction and General Building Laborers' Local 79, a veteran of the United States Navy, and a father of two young girls, Mr. Autrey—in both his heroic actions and his humble conduct in the midst of his newfound fame—represents values that all Americans should cherish and respect. His selflessness should be held up as an example to those in his community, his state and his country.

Indeed, this resolution is just one fitting way in which to honor the uncommon valor and tremendous bravery demonstrated by Wesley Autrey when he dove in front of an incoming train to save the life of a stranger on January 2. I am hopeful that my Senate colleagues from both sides of the aisle will join me in honoring Mr. Autrey by moving this legislation as expeditiously as possible.

ADDITIONAL STATEMENTS

TRIBUTE TO MADELEINE COOPER TAYLOR

• Mr. BIDEN. Mr. President, today I wish to publicly congratulate Ms. Madeleine Cooper Taylor on her recent appointment as a member of the city council of Memphis, TN. Last Tuesday, she was appointed unanimously by the council to serve the remaining term of council member TaJuan Stout Mitchell.

Ms. Taylor has worked as a program coordinator for the Memphis branch of the NAACP since 1991 and is a lifelong Memphian.

Now, I am not normally in the habit of coming to the Senate floor to congratulate a new city council member, especially one who is not from my home State of Delaware. But this is no normal circumstance. Madeleine Cooper Taylor is the mother of Reagan Taylor, an attorney and presidential management fellow whom I have been fortunate enough to have on my staff for the past 6 months.

During her rotation on my Judiciary Committee staff, Reagan has made an invaluable contribution to legal and drug policy for our country. Thanks to her efforts, we have succeeded in reauthorizing the Office of National Drug Control Policy, and our fight against the scourge of methamphetamine has been bolstered. And even though she is scheduled to rotate out of my office at the end of this month, as we speak she is hard at work improving security for our State and local courts and better utilizing DNA as a powerful tool in solving horrendous crimes.

While Reagan tirelessly works to make our communities safer through her efforts on the Subcommittee on Crime and Drugs, Councilwoman Taylor stated in one of her first public statements after her appointment that she is concerned about crime in her community. As the old saying goes, the apple does not fall far from the tree.

It has been my pleasure to have Reagan Taylor on my staff over these past months, and it is my distinct honor to congratulate Madeleine Cooper Taylor on her new public office. I wish them both the best of luck in their future endeavors.•

LIEUTENANT COLONEL DAVID MEUNIER

• Mr. HAGEL. Mr. President, I rise to honor David Russell Meunier of Bellevue, NE.

David Russell Meunier was born in Peshtigo, WI, on December 13, 1940, and passed away on November 22, 2006, in Rochester, MN. Lieutenant Colonel Meunier served his country as an officer in the Strategic Air Command of the U.S. Air Force. He was a highly decorated officer and veteran of the Vietnam war. At Offutt Air Force Base in Bellevue, Lieutenant Colonel Meunier served as a battle staff intelligence chief. He retired from the Air Force on January 23, 1989.

Lieutenant Colonel Meunier leaves behind his wife Constance Bennet Muenier; sisters Patricia Jeske, Diane Hazlewood, and her husband Thomas; brothers, Gary and his wife Sally, and Paul and his wife Patricia. Our thoughts and prayers are with all of them at this difficult time. America is proud of Lieutenant Colonel Meunier and mourns his loss.

For his service, bravery, and commitment to our country, I ask my colleagues to join me and all Americans in honoring LTC David Russell Meunier.●

RECOGNIZING MURPHY OIL CORPORATION

● Mr. PRYOR. Mr. President, it is with great pleasure that I commend an outstanding Arkansas company for a truly amazing gift. Murphy Oil Corporation, an El Dorado, AR, based company, has always been a national leader in philanthropy by providing substantial donations for many very worthwhile causes, especially education. Murphy Oil's recent announcement to establish the El Dorado Promise may be one of the most significant and groundbreaking gifts of any business to any group of people in recent years.

El Dorado Promise is an extraordinary scholarship program. The Promise will provide the opportunity for every graduate of El Dorado High School to pursue higher education by granting a scholarship to these students to be used at community colleges or public universities around the country. This scholarship will cover tuition and other expenses for many of these students for up to 5 years. The leadership at Murphy Oil has shown that they truly understand that in order to adequately prepare for the future we must make significant investments in the children of today. This gift represents that significant investment.

I would like to congratulate the students, families, teachers, and community of El Dorado, AR. This is a wonderful gift that you truly deserve, and I am excited for the tremendous prospects it will create for you.

I also want to take this opportunity to commend the actions of Claiborne Deming, president and CEO of Murphy Oil. A great business leader known for his strong support of education, Mr. Deming has served on the Arkansas Board of Education, helped found the Arkansans for Education Reform Foundation, is president of the El Dorado Education Foundation, and continues to be a strong catalyst for investment in education. I have no doubt he was instrumental in providing these students and families the ability to fulfill their ambitions.

Finally, I would like to personally thank Murphy Oil Corporation, Mr. Claiborne Deming, and members of the Murphy family for their unwavering support of El Dorado, the State of Arkansas, and the education system. There is no doubt the gift of the El Dorado Promise will better many lives and shape the future of Arkansas and the country in a brighter way.●

MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 323. An act to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes.

H.R. 392. An act to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 476. An act to amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes.

H.R. 599. An act to direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes.

The message also announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. BECERRA of California and Ms. MATSUI of California.

The message further announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. SAM JOHNSON of Texas.

ENROLLED BILL SIGNED

At 4:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R.475. An act to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages, and for other purposes.

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

MEASURES REFERRED

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

H.R. 323. An act to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 392. An act to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 476. An act to amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 599. An act to direct the Secretary of Homeland Security to streamline the SAFETY Act and anti-terrorism technology procurement processes; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–442. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's task and delivery order contracts during fiscal year 2006; to the Committee on Armed Services.

EC–443. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Internet Availability of Proxy Materials'' (RIN3235–AJ47) received on January 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–444. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Grants for Correctional Facilities'' (RIN1121–AA41) received on January 23, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. 372. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110–2).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Con. Res. 2. A concurrent resolution expressing the bipartisan resolution on Iraq.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Lt. Gen. David H. Petraeus to be General.

Army nomination of Lt. Gen. H. Steven Blum to be Lieutenant General.

Army nomination of Lt. Gen. Karl W. Eikenberry to be Lieutenant General.

Army nomination of Brig. Gen. George J. Smith to be Major General.

Marine Corps nominations beginning with Brig. Gen. Eugene G. Payne, Jr. and ending with Brig. Gen. Douglas M. Stone, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Wally G. Vaughn to be Colonel.

Air Force nomination of James E. Powell to be Colonel.

Air Force nomination of Jean M. Eagleton to be Lieutenant Colonel.

Air Force nomination of Jeffrey R. Colpitts to be Lieutenant Colonel.

Air Force nominations beginning with Gayanne Devry and ending with Neil R. Whittaker, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Air Force nomination of Laura S. Barchick to be Major.

Air Force nominations beginning with Paul T. Cory and ending with Rod L. Valentine, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Beatrice Y. Brewington and ending with Deirdre M. Mccullough, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nomination of Anthony M. Durso to be Major.

Air Force nomination of William L. Tomson to be Lieutenant Colonel.

Air Force nominations beginning with Steven H. Helm and ending with Donald C. Tigchelaar, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Robert E. Dunn and ending with Walter L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Ricardo E. Alivillar and ending with Mehdy Zarandy, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Robert R. Baptist and ending with Christopher H. Wilkin, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Robin Mark Adam and ending with Randall J. Zak, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Sharon A. Andrews and ending with Donna M. F. Woike, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Michael P. Adler and ending with Bert A. Silich, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Mark Hugh Alexander and ending with Margaret D. Weatherman, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Luisa Yvette Charbonneau and ending with Seferino S. Silva, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Maiya D. Anderson and ending with Jeffrey L. Wisneski, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Christine Lynn Barber and ending with Chung H. Yen, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Army nominations beginning with Stephen D. Hogan and ending with Phillip H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Laurence W. Gebler to be Colonel.

Army nomination of John E. Markham to be Colonel.

Army nominations beginning with Ariel P. Abuel and ending with Scott C. Sheltz, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of David W. Laflam to be Lieutenant Colonel.

Army nomination of Thomas P. Flynn to be Lieutenant Colonel.

Army nomination of Earl W. Shaffer to be Colonel.

Army nomination of Orsure W. Stokes to be Colonel.

Army nomination of Alvis Dunson to be Lieutenant Colonel.

Army nominations beginning with Jeffrey W. Weiser and ending with Leonard J. Grado, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Kurt G. Bullington and ending with Jason M. Cates, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Alton J. Luder, Jr. and ending with Douglas J. Mouton, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Gary L. Brewer to be Colonel.

Army nominations beginning with Michael J. Finger and ending with Robert T. Ruiz, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Philip Sundquist to be Major.

Army nominations beginning with Carrie G. Benton and ending with Carol A. Macgregordebarba, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Marivel Velazquezcrespo to be Major.

Army nominations beginning with Grace Northup and ending with Mary L. Sprague, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Francis M. Belue and ending with Carl S. Young, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with James W. Adams and ending with X0393, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Edward E. Agee, Jr. and ending with Cedric T. Wins, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Timothy K. Buennemeyer and ending with D060262, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Philip K. Abbott and ending with Jeffrey S. Wiltse, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nominations beginning with Cheryl E. Boone and ending with Francisco A. Vila, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Army nomination of Thomas F. King to be Lieutenant Colonel.

Army nomination of Mary P. Whitney to be Major.

Army nominations beginning with James W. Haliday and ending with Dimitry Y. Tsvetov, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Marine Corps nominations beginning with James D. Barich and ending with Gordon B. Overy, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 16, 2007.

Navy nomination of Timothy M. Greene to be Captain.

Navy nominations beginning with David J. Adams and ending with Chimi I. Zacot, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007.

Navy nomination of Donald S. Hudson to be Commander.

Navy nomination of Jeffrey N. Saville to be Commander.

Navy nomination of Steven M. Dematteo to be Lieutenant Commander.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ (for himself and Mr. SESSIONS):

S. 371. A bill to amend the Fair Labor Standards Act of 1938 to clarify the house parent exemption to certain wage and hour requirements; to the Committee on Health, Education, Labor, and Pensions .

By Mr. ROCKEFELLER:

S. 372. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar, to the Committee on Armed Services pursuant to section 3(b) of S. Res. 400, 94th Congress, as amended by S. Res. 445, 108th Congress, for a period not to exceed 10 days of session.

By Mr. BUNNING (for himself and Mr. ROCKEFELLER):

S. 373. A bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. CRAIG, Mrs. CLINTON, Mr. CRAPO, and Mr. ALLARD):

S. 374. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 375. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KYL, and Mr. CORNYN):

S. 376. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 377. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. REID, Mr. DURBIN, Mr. CORNYN, Mr. KENNEDY, Ms. COLLINS, Mr. HATCH, and Mr. SCHUMER):

S. 378. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 379. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. STEVENS, Mrs. MURRAY, Mr. SMITH, Ms. CANTWELL, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. TESTER):

S. 380. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LEAHY, Ms. MURKOWSKI, Mr. AKAKA, and Mr. BENNETT):

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. DURBIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KERRY):

S. 382. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 383. A bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU (for herself, Mr. DURBIN, Mr. GRAHAM, and Mr. KERRY):

S. 384. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. KERRY, Mr. SMITH, and Ms. SNOWE):

S. 385. A bill to improve the interoperability of emergency communications equipment; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAMBLISS:

S. 386. A bill to amend the Clean Air Act to require a higher volume of renewable fuel derived from cellulosic biomass, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BINGAMAN:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. BYRD:

S. Res. 39. A resolution expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COLEMAN, Mr. SALAZAR, Mr. BAYH, Mr. SMITH, Ms. LANDRIEU, Mr. NELSON of Florida, and Mrs. MCCASKILL):

S. Con. Res. 4. A concurrent resolution expressing the sense of Congress on Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 4

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 10

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 65

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 65, a bill to modify the age–60 standard for certain pilots and for other purposes.

S. 85

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 85, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 121

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 121, a bill to provide for the redeployment of United States forces from Iraq.

S. 166

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 166, a bill to restrict any State from imposing a new discriminatory tax on cell phone services.

S. 206

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 206, supra.

S. 236

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 236, a bill to require reports to Congress on Federal agency use of data mining.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 267

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 287

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 287, a bill to prohibit the use of funds for an escalation of United States military forces in Iraq above the numbers existing as of January 9, 2007.

S. 311

At the request of Ms. LANDRIEU, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 315

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 315, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 357

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 358

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. CON. RES. 2

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 2, supra.

AMENDMENT NO. 106

At the request of Mr. SESSIONS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 106 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 112

At the request of Mr. SUNUNU, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 112 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 119

At the request of Mr. BUNNING, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 119 proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

AMENDMENT NO. 121

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 121 intended to be proposed to H.R. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MARTINEZ (for himself and Mr. SESSIONS):

S. 371. A bill to amend the Fair Labor Standards Act of 1938 to clarify the house parent exemption to certain wage and hour requirements; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARTINEZ. Mr. President, today I rise to discuss an issue that is near and dear to my heart, because it involves children and youth in our foster care system. Inconsistencies in our Federal wage laws, coupled with increases in the minimum wage, are financially crippling the private, nonprofit organizations and institutions that make up a necessary part of our communities' support systems for the most vulnerable in our society, the children.

More than 500,000 children are in America's foster care system at any given time, because their own families are in crisis or unable to provide for their essential well-being—most because they have been subject to abuse and neglect. Thankfully, most of these children are able to be placed with individual caring families. But for those children without a suitable or available foster family, they are placed in one of the many group homes associated with our foster care system.

Many of these group homes are specially tailored to the specific needs of foster care children by offering unique programs and on-site education to help heal the emotional scarring they have experienced.

These homes—often run by private, non-profit organizations—are dedicated to providing residential care and treatment for the ''orphans of the living,'' and they have long been a vital part of the social service networks in America's communities.

An essential component of the foster care network is the presence of caring parents in a family-like situation. And as in traditional parenting, the houseparents of group foster homes seek to provide the same love, care, and supervision of a traditional family for the five to eight children that reside with them.

Houseparents volunteer to permanently reside at the group home in order to create a family- like environment for those without a true sense of home—one that offers a structured atmosphere where these most vulnerable youth can heal, grow, and become productive members of society.

Foster care alumni studies show us that it is the consistent and life-long connection of caring foster parents that plays the biggest role in helping foster children transition into society.

However, our current laws are working against this cause, forcing group homes to move away from what they know is best for the children and preventing them from providing the most appropriate and consistent care. These youth so desperately need the stability that a family- like situation can provide. And this is what my amendment seeks to address.

Traditionally, in addition to a modest, fixed salary, houseparents have received food, lodging, insurance, and transportation free of charge.

In 1974, Congress recognized and confirmed the unique role houseparents serve when it passed the Hershey Exemption. This amended the Fair Labor Standards Act to preserve the appropriate method of compensation for houseparents—and allowed the lodging and food provided them to be considered when determining an appropriate salary for married houseparents serving with their spouse at nonprofit educational institutions.

Through this exemption, Congress supplied a way for these vital social services to continue to be provided by non-profit organizations in a way that is cost-effective, and at the same time appropriate and meaningful to both the children and the houseparents.

However, since the addition of this exemption, the demographics of America and of America's foster children have changed. Research now shows that due to the negative experiences some youth have faced, they may find a better environment for growth and healing in having a single houseparent of the same sex.

Our labor standards for these group homes have not kept pace with the ever-changing needs of these children.

Because the Hershey Exemption was only extended to married couples, group homes are now forced to choose between what is cheaper and what is best for the children. Unfortunately, the financial realities of the situation

place these facilities in a compromising situation.

You see, when a group home employs a single houseparent for a home, they are required to pay them as an hourly employee, whereas married houseparents serving together are allowed to be paid as salaried employees.

As a result, it costs a facility in Florida more than $74,000 annually at the current minimum wage rate to provide a full-time, single houseparent using the traditional live-in model.

In response, most facilities have resorted to teams of houseparents that work in 8 or 12 hour shifts—just to avoid the additional costs of overtime pay. Yet even this team model is pricey and means tough coordination and inconsistencies in care for these children. It also destroys the family-like arrangement of the home.

If the minimum wage bill—to which I am offering this bill as an amendment—passes, it will cost facilities across the U.S. in excess of $84,000 annually to house and employ a single, full-time houseparent in a foster care or educational group home. However, if it were a married couple serving in the same environment it would only require minimum wage guidelines being met.

Can you see how this inconsistency in our labor laws is, and will continue to be, crippling for the private, nonprofit facilities?

In order to enable group homes to provide the most appropriate and consistent care for foster and emotionally scarred youth, my amendment will extend the Hershey Exemption to single houseparents, allowing them to be treated as salaried employees when free lodging and board are provided.

Voting in favor of my amendment will enable private, non-profit group homes to continue providing these vital services for our communities, with a stronger atmosphere of love and growth for the children.

Voting against this amendment will—that is, allowing it not to pass—will mean that the already heavy financial burden for these facilities will continue to grow. Homes will be forced to close or have to scale back on the number of children they can help.

To vote against this amendment is to turn children out on the street at a time when they need us most.

As a loving parent and grandparent, I want what is best for my children and for my grandchildren—I want to make sure they have whatever they need to overcome the obstacles of life and succeed. This is also what we should seek for foster children and the hurting youth in our communities—to provide the loving homes and facilities for them that provide what they need most and in the most appropriate and consistent way possible.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be reprinted in the RECORD, as follows:

S. 371

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 ''Appropriate and Consistent Care for Youth Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Private, nonprofit organizations dedicated to providing residential care and treatment for children have long been a vital part of the social service networks America's communities.

(2) No longer just serving orphans, these institutions tend to the needs of the ''orphans of the living'', children and youth who are unable to remain in their natural homes due to emotional conflicts, life adjustment problems, relationship disturbances, and spiritual and psychological scaring associated with sexual, physical, and emotional abuse.

(3) The effectiveness of these institutions in caring for these troubled and abused children has long been due to the love, care, and supervision provided by residential houseparents.

(4) These houseparents volunteer to permanently reside at the group home in which they work in order to create a family environment for those without a true sense of home, one that offers a structured atmosphere where these vulnerable youth can heal, grow, and become productive members of society.

(5) Traditionally, these houseparents have received food, lodging, insurance, and transportation free of charge, in addition to a fixed salary.

(6) Congress recognized the unique role houseparents serve, and passed the Hershey Exemption (section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24))) in 1974 to assist with the provision of houseparents for orphaned and disadvantaged youth by allowing for lodging and food provided free of cost to be considered when determining an appropriate salary for married houseparents serving with their spouse at nonprofit educational institutions.

(7) Since the addition of the Hershey Exemption, research shows that due to the negative experiences some troubled youth have faced, they find a better environment for growth in having a single houseparent of the same sex.

(8) Because the wage provision under the Hershey Exemption was extended only to married houseparents serving with their spouse, the Department of Labor has enforced a rule that single houseparents need to be reimbursed on a 24-hour-a-day basis, even for time they are sleeping or otherwise not directly caring for residents of the home, and regardless of the provision of free lodging, food, and other services.

(9) This has placed an undue financial burden on these nonprofit institutions who wish to provide the best possible care for their residents, forcing some homes to close and others to adopt an employment model where ''teams'' of houseparents work 8-hour sifts to care for residents. This ''team'' model drives up the cost and destroys the family-like arrangement of the home.

(10) In order to provide for a more appropriate and consistent care for these foster children and troubled youth, this Act seeks to extend the Hershey Exemption to single houseparents residing in educational institutions where they receive lodging and board free of charge.

SEC. 3. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(24) of the Fair Labor Standards Act of 1938 (29 U.S.C. 212(b)(24)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''and his spouse''; and

(2) in the matter following subparagraph (B)—

(A) by striking ''and his spouse reside'' and inserting ''resides'';

(B) by striking ''receive'' and inserting ''receives''; and

(C) by striking ''are together'' and inserting ''is''.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. CRAIG, Mrs. CLINTON, Mr. CRAPO, and Mr. ALLARD):

S. 374. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce again legislation to eliminate one of the great inconsistencies in the Internal Revenue Code. I would like to thank my colleague, the senior Senator from New York, Senator SCHUMER, for again working with me on this important piece of legislation.

The bill we are introducing today is designed to restore some internal consistency to the tax code as it applies to art and artists. No one has ever said that the tax code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

Our bill would address two areas where similarly situated taxpayers are not treated the same. These two areas are internal inconsistencies contained within the tax code. Internal inconsistency number one deals with the long-term capital gains tax treatment of investments in art and collectibles. The second internal inconsistency involves how charitable contributions of art by the artist are treated under the law.

Long-term capital gains tax treatment of art is inherently unfair. If a person invests in stocks or bonds and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 15 percent. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent. Art for art's sake should not incur a higher tax rate simply for revenue's sake. That is a big impact on the pocketbook of the investor.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and

gallery owners. We have fabulous Native American rug weavers, potters and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E. L. Blumenshein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject. John Nieto, Wilson Hurley, Clark Hulings, Veryl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, and Dan Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques, and collectibles are a $12 to $20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between $500 million and one billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Similarly, Keynes was both a famous economist and a passionate devotee of painting. However, even artistically inclined economists have found it difficult to define art within the context of economic theory.

When asked to define jazz, Louis Armstrong replied: ''If you gotta ask, you ain't never going to know.'' A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus. Original art objects are, as a commodity group, characterized by a set of attributes: every unit of output is differentiated from every other unit of output; art works can be copied but not reproduced; and the cultural capital of the nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth, or as a source of speculative capital gain. A study by Keishiro Matsumoto, Samuel Andoh and James P. Hoban, Jr. assessed the risk-adjusted rates of return on art sold at Sotheby's during the 14-year period ending September 30, 1989. They concluded that art was a good investment in terms of average real rates of return. Several studies found that rates of return from the price appreciation on paintings, comic books, collectibles and modern prints usually made them very attractive long-term investments. Also, when William Goetzmann was at the Columbia Business School, he constructed an art index and concluded that painting price movements and stock market fluctuations are correlated.

I conclude that with art, as well as stocks, past performance is no guarantee of future returns, but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: ''Is there an 'efficient' art market?'' A well-known art dealer answered ''Definitely not. That's one of the things that makes the market so interesting.'' For everyone who has been watching world financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles? Art and collectibles are something you can appreciate even if the investment doesn't appreciate. Art is less volatile. If buoyant and not so buoyant bond prices drive you berserk and spiraling stock prices scare you, art may be the appropriate investment for you. Because art and collectibles are investments, the long-term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoyty toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The internet makes collecting big business, and flea market fanatics are avid collectors. In fact, people collect the darndest things. Books, duck decoys, chia pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, teddy bears, and guns are a few such ''collectibles''.

For most of these collections, capital gains isn't really an issue, but you never know. You may find that your collecting passion has created a tax predicament—to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 15 percent.

As I stated earlier, the second internal inconsistency deals with the charitable deduction for artists donating their work to a museum or other charitable cause. When someone is asked to make a charitable contribution to a museum or to a fund raising auction, it shouldn't matter whether that person is an artist or not. Under current law, however, it makes a big difference. As the law stands now, an artist/creator can only take a deduction equal to the cost of the art supplies. Our bill will allow a fair market deduction for the artist.

It's important to note that our bill includes certain safeguards to keep the artist from ''painting himself a tax deduction.'' This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation. As with other charitable contributions, it is limited to 50 percent of adjusted gross income (AGI). If it is also a capital gain, there is a 30 percent of AGI limit. Mr. President, I believe these safeguards bring fairness back into the code and protect the Treasury against any potential abuse.

I hope my colleagues will help us put this internal consistency into the Internal Revenue Code.

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. 374

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 ''Art and Collectibles Capital Gains Tax Treatment Parity Act''.

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

''(4) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

''(A) section 1202 gain, over

''(B) the sum of—

''(i) the net short-term capital loss, and

''(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.

''(5) RESERVED.—.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, ARTISTIC, OR SCHOLARLY COMPOSITIONS.—

''(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

''(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

''(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

''(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

''(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

''(ii) the taxpayer—

''(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

''(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

''(iii) the donee is an organization described in subsection (b)(1)(A),

''(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

''(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

''(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

''(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

''(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

''(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

''(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

''(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

''(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

''(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

''(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

''(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

''(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KYL, and Mr. CORNYN):

S. 376. A bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in 2003, Senator Campbell and I, joined by 68 other Senators, introduced a bill that allowed a qualified retired or current law enforcement officer to carry a concealed firearm across State lines. The Senate passed our bill by unanimous consent, which was signed into law in July 2004. Passage of the Law Enforcement Safety Officers Act was a resounding vote of confidence in the men and women who serve their communities as protectors of the peace, and their Nation as the first line of defense in any emergency.

But since enactment of the Law Enforcement Officers Safety Act, it has become clear that qualified retired officers have been subject to varying and complex certification procedures from State to State. In many cases, differing interpretations have complicated the implementation of the law, and retired officers have experienced significant frustration in getting certified to lawfully carry a firearm.

With the input of the law enforcement community, this bill proposes modest amendments to streamline the current law, which will give retired officers more flexibility in obtaining certification, and provides room for the variability in certification standards among the several States. For example, where a State has not set active duty standards, the retired officer can be certified pursuant to the standards set by any law enforcement agency in the State.

In addition to these adjustments, the bill also makes clear that Amtrak officers, along with officers of the Executive branch of the Federal Government, are covered by the law. The bill also reduces from 15 to 10 the years of service required for a retired officer to qualify under the law. Though these changes broaden the reach of the law, the requirements for eligibility still involve a significant term of service for a retired officer to qualify, and a demonstrated commitment to law enforcement.

This bill makes sensible improvements to existing law by providing the flexibility needed to permit qualified retired law enforcement officers to carry concealed firearms in a legal and responsible manner.

With the enactment of the Law Enforcement Officers Safety Act, Congress and the President also recognized that law enforcement officers are never ''off-duty.'' The dedicated public servants who are trained to uphold the law and keep the peace deserve our support not just in their professional lives, but also when they go off-duty or into retirement. Convicted criminals often have long and exacting memories, and to the extent we can, we must aid these public servants with the tools they need to keep themselves and their families safe. Because one thing we know for sure is that a law enforcement officer is a target, whether in uniform or out, and whether active or retired. We also act in our own interest when we help law enforcement officers with the ability to answer the call of duty wherever they may be. Society's trust in the men and women who serve should include the faith that the responsibilities we entrust to them do not disappear once State lines are crossed.

In 2004, Congress listened carefully to the concerns of the law enforcement community and responded appropriately. Let us do so again with these sensible improvements.

I ask for 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. 376

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 ''Law Enforcement Officers Safety Act of 2007''.

SEC. 2. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

''(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.''.

(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A), by striking ''was regularly employed as a law enforcement officer for an aggregate of 15 years or more'' and inserting ''served as a law enforcement officer for an aggregate of 10 years or more'';

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the officer's former agency, the State in which the officer resides or a law enforcement agency within the State in which the officer resides;''; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(2) in subsection (d)—

(A) in paragraph (1), by striking ''to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or'' and inserting ''to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or''; and

(B) in paragraph (2)(B), by striking ''otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.'' and inserting ''otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

''(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

''(ii) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.''; and

(3) by adding at the end the following:

''(f) In this section, the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.''.

By Mr. LUGAR:

S. 377. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today to offer legislation urging the Administration to develop a United States-Poland Parliamentary Youth Exchange Program. I am pleased that my colleague from Indiana, Congressman PETE VISCLOSKY, has agreed to again introduce this important legislation in the House of Representatives. I appreciate his strong leadership in our continued joint efforts in this and many other areas.

The purpose of this exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the U.S. and Poland based on common political and cultural values. I have long been an active supporter of the Congress-Bundestag Exchange program and am hopeful that this new endeavor will make similarly important lasting contributions to the U.S.-Polish relationship.

As a Rhodes Scholar, I had the opportunity to discover international education at Pembroke College—my first trip outside of the United States. The parameters of my imagination expanded enormously during this time, as I gained a sense of how large the world was, how many talented people there were, and how many opportunities one could embrace. Student exchange programs do more than benefit individual scholars and advance human knowledge. Such programs expand ties between nations, improve international commerce, encourage cooperative solutions to global problems, prevent war, and give participants a chance to develop a sense of global service and responsibility.

Funding a great foreign exchange program is a sign of both national pride and national humility. Implicit in such a program is the view that people from other nations view one's country and educational system as a beacon of knowledge—as a place where international scholars would want to study and live. But it is also an admission that a nation does not have all the answers—that our national understanding of the world is incomplete. It is an admission that we are just a part of a much larger world that has intellectual, scientific, and moral wisdom that we need to learn.

The United States and Poland have enjoyed close bilateral relations since the end of the Cold War. Most recently, Poland has been a strong supporter of efforts led by the United States to combat global terrorism, and has contributed troops to and led coalitions in both Afghanistan and Iraq. Poland also cooperates closely with the United States on such issues as democratization, human rights, regional cooperation in Eastern Europe, and reform of the United Nations. As a member of the North Atlantic Treaty Organization (NATO) and the European Union (EU), Poland has demonstrated its commitment to democratic values and is a role model in its region.

I believe that it is important to invest in the youth of the United States and Poland in order to strengthen long-lasting ties between both societies. After receiving for many years international and U.S. financial assistance, Poland is now determined to invest its own resources toward funding a U.S.-Poland exchange program. To this end the Polish Foreign Minister unambiguously stated that Poland welcomed the opportunity to be an equal partner in funding important efforts.

Last year the Senate approved a similar version of this legislation by unanimous consent. I ask my colleagues to again support this resolution.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. REID, Mr. DURBIN, Mr. CORNYN, Mr. KENNEDY, Ms. COLLINS, Mr. HATCH, and Mr. SCHUMER):

S. 378. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I was disappointed at the end of last Congress that, like so much other urgent business of the American people left unattended, we did not pass a measure to improve court security. We made some progress on this important issue when the Senate passed a consensus bipartisan court security bill. Unfortunately we were unable to cross the finish line because the House Republican leadership did not take up this bill. And so that still eaves our Nation's judges and their families without the vital protections that bill would have provided.

Today, I join with other Senators on both sides of the aisle to try again. Along with the Majority Leader Senator REID; the Judiciary Committee's Ranking Member, Senator SPECTER; the Majority Whip, Senator DURBIN; and Senators KENNEDY, SCHUMER, CORNYN, HATCH and COLLINS, I introduce the Court Security Improvement Act of 2007, a consensus measure with bipartisan support nearly identical to the bill we passed in the Senate last December. House Judiciary Chairman CONYERS is introducing an identical measure in the House with bipartisan support. This bi-cameral, bi-partisan introduction sends a strong message that we intend finally to finish this difficult struggle and enact this bill that should have been enacted months ago to increase protections for the dedicated women and men throughout the Judiciary in this country.

This is an important issue, and one I plan to make a priority this Congress. I hope that we can have quick action on this bill to bring to fruition our efforts to provide increased security, an effort that gained new urgency after the tragedy that befell Judge Joan Lefkow of Chicago. She is the Federal judge whose mother and husband were murdered in their home. As we heard in her courageous testimony in May 2005 before the Judiciary Committee, this tragedy provided a terrible reminder not only of the vulnerable position of our judges and their families, but of the critical importance of protecting judges both where they work and where they and their families live. The shooting last summer of a State judge in Nevada provided another terrible reminder of the vulnerable position of our Nation's State and Federal judges. We cannot tolerate or excuse or justify violence or the threat of violence against judges.

In a speech last year, Justice Sandra Day O'Connor criticized the uncivil tone of attacks on the courts, noting that they pose a danger to the very independence of the Federal judiciary. It is most unfortunate that some in this country have chosen to use dangerous and irresponsible rhetoric when talking about judges, comparing judges to terrorists and threatening judges with punishment for decisions they do not like. This rhetoric can only foster unacceptable violence against judges and it must stop, for the sake of our judges and the independence of the judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. Our independent judiciary is the envy of the rest of the world and a great source of our national strength and resilience. Let no one say things that might bring about further threats against our judges. We ought to be protecting them physically and institutionally.

When I last chaired the Judiciary Committee, one of my first efforts was pushing for passage of the Judicial Protection Act, which toughened criminal penalties for assaults against judges and their families. In order to meet the continuing challenges of keeping the Federal judiciary safe, in the last Congress Chairman SPECTER and I introduced S. 1968, the Court Security Improvement Act of 2005.

The bill we are introducing today in the Senate and House is a consensus bipartisan bill. I hope that quick action and passage of this bill can serve as a model for what we can achieve with bipartisan cooperation in the 110th Congress. Its core provisions, which previously passed the Senate not only last December, but also in June as part of the managers' package of the ''John Warner National Defense Authorization Act for Fiscal Year 2007,'' S. 2766, come the Court Security Improvement Act of 2005.

The bill responds to the needs expressed by the Federal judiciary for a

greater voice in working with the United States Marshals Service to determine their security needs. It enacts new criminal penalties for the misuse of restricted personal information to harm or threaten to harm Federal judges, their families or other individuals performing official duties. It enacts criminal penalties for threatening Federal judges and Federal law enforcement officials by the malicious filing of false liens, and provides increased protections for witnesses. The bill also contains provisions making available to States new resources to improve security for State and local court systems as well as providing additional protections for law enforcement officers. I am pleased that the bill includes an extension of life insurance benefits to bankruptcy, magistrate and territorial judges.

Finally, the bill contains provisions that have passed the Senate several times extending and expanding to family members the authority of the Judicial Conference to redact certain information from a Federal judge's mandatory financial disclosure. This expired redaction authority was used in circumstances in which the release of the information could endanger the filer or the filer's family. I hope that we can reinstate and expand this much needed redaction authority.

These protections are crucial to the preservation of the independence of our Federal judiciary so that it can continue to serve as a bulwark protecting individual rights and liberty. Our Nation's Founders knew that without an independent judiciary to protect individual rights from the political branches of government, those rights and privileges would amount to nothing. It is the ultimate check and balance in our system of government in times of heated political rhetoric.

We owe it to our judges to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs.

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. 378

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 ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) the nature or type of information redacted;

''(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

''(vi) principles used to guide implementation of redaction authority; and

''(vii) any public complaints received in regards to redaction.''.

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and any other court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 118. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of

the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114; or

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''118. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(3) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(4) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking ''80'' and inserting ''70'';

(2) striking ''and 10'' and inserting ''10''; and

(3) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b), by inserting ''State or local court,'' after ''government,''.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy .

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2006'' and inserting ''2011''.

Mr. KENNEDY. An independent judiciary is essential to the proper administration of justice. In order to maintain an independent judiciary, it is imperative that judges be protected from the threat of reprisal, so that fear does not influence their decisionmaking. This bill, which I am proud to cosponsor, is an opportunity to protect our judges and help guarantee their independence, and also protect the many other dedicated men and women who serve our judiciary and their families.

In recent years, the need for increased judicial security has been highlighted by a number of attacks. After an unfavorable trademark ruling in Chicago, a disgruntled litigant murdered a Federal judge's husband and mother in the judge's home. Two weeks later a State judge, a court reporter, and a sheriff's deputy were killed in an Atlanta courthouse. A year after that, death threats were made against U.S. Supreme Court Justices.

These attacks are not isolated incidents. On average, Federal judges receive 700 threats a year; threats that are becoming increasingly serious. As these threats and attacks indicate, judges are not currently safe within the walls of our courts, nor are they safe in their homes. We cannot tolerate violence or the threat of violence against judges, court personnel, or their families. Violence against our judiciary represents an assault on our system of government.

By statute, the U.S. Marshals Service in the Department of Justice has the primary responsibility for the security of the Federal judiciary. Currently, the Marshals Service is underfunded and understaffed. There is a lack of coordination and communication between the Service and the Judicial Conference of the United States, the Administrative Office of the United States Courts, and the Federal Protective Service in the Department of Homeland Security. As a result, the Marshals Service struggles to keep up with the security needs of the judiciary in this new high-risk age. There is no reason the system should continue to be so vulnerable.

The legislation we are introducing will enhance judicial security in several respects. First, it would require the Marshals Service to cooperate and coordinate with the Judicial Conference on judicial security on a continuing basis. This provision will give the judiciary a needed voice in assessing their security needs. The Marshals Service will receive additional funds to meet its responsibilities. It will have the ability to accurately assess threats in a timely manner, collect and share intelligence on threats among districts and representatives of the FBI, and achieve appropriate staffing levels.

In addition, the legislation punishes those who intrude into the personal lives of the judiciary and their families. It punishes those attempting to humiliate the judiciary or their families by recording a false lien or encumbrance against real or personal property and those who post personal information about public officials or their families with the intent to harm.

Equally important, the bill authorizes Federal grants to improve security for State and local court systems. The problem of judicial security is shared by all courts, State and Federal alike, and all courts deserve the best possible security protections.

To maintain our freedoms as a democratic society, judicial fairness and independence are essential. Threats and acts of violence against the judiciary are unacceptable. Its members must be fully protected. This bipartisan and bicameral bill aids in that protection, and I am honored to join my colleagues in urging that it be passed quickly by Congress and signed by the President.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LEAHY, Ms. MURKOWSKI, Mr. AKAKA, and Mr. BENNETT):

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, I rise to speak in support of the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

The story of U.S. citizens taken from their homes on the west coast and confined in camps is a story that was made known after a fact-finding study by a Commission that Congress authorized in 1980. That study was followed by a formal apology by President Reagan and a bill for reparations. Far less known, and indeed, I myself did not initially know, is the story of Latin Americans of Japanese descent taken from their homes in Latin America, stripped of their passports, brought to the U.S., and interned in American camps.

This is a story about the U.S. government's act of reaching its arm across international borders, into a community that did not pose an immediate threat to our Nation, in order to use them, devoid of passports or any other proof of citizenship, for hostage exchange with Japan. Between the years 1941 and 1945, our government, with the

help of Latin American officials, arbitrarily arrested persons of Japanese descent from streets, homes, and workplaces. Approximately 2,300 undocumented persons were brought to camp sites in the U.S., where they were held under armed watch, and then held in reserve for prisoner exchange. Those used in an exchange were sent to Japan, a foreign country that many had never set foot on since their ancestors' immigration to Latin America.

Despite their involuntary arrival, Latin American internees of Japanese descent were considered by the Immigration and Naturalization Service as illegal entrants. By the end of the war, some Japanese Latin Americans had been sent to Japan. Those who were not used in a prisoner exchange were cast out into a new and English-speaking country, and subject to deportation proceedings. Some returned to Latin America. Others remained in the U.S., where their Latin American country of origin refused their re-entry because they were unable to present a passport.

When I first learned of the wartime experiences of Japanese Latin Americans, it seemed unbelievable, but indeed, it happened. It is a part of our national history, and it is a part of the living histories of the many families whose lives are forever tied to internment camps in our country.

The outline of this story was sketched out in a book published by the Commission on Wartime Relocation and Internment of Civilians formed in 1980. This Commission had set out to learn about Japanese Americans. Towards the close of their investigations, the Commissioners stumbled upon this extraordinary effort by the U.S. government to relocate, intern, and deport Japanese persons formerly living in Latin America. Because this finding surfaced late in its study, the Commission was unable to fully uncover the facts, but found them significant enough to include in its published study, urging a deeper investigation.

I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, which would establish a fact-finding Commission to extend the study of the 1980 Commission. This Commission's task would be to determine facts surrounding the U.S. government's actions in regards to Japanese Latin Americans subject to a program of relocation, interment, and deportation. I believe that examining this extraordinary program would give finality to, and complete the account of Federal actions to detain and intern civilians of Japanese ancestry.

Mr. President, I ask unanimous consent that the text of my 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. 381

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 ''Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this Act is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. 3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this Act as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this Act.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section 3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. 7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section 4(b).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

By Ms. COLLINS (for herself, Mr. HARKIN, Mr. KENNEDY, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. DURBIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KERRY):

S. 382. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues, Senators HARKIN, KENNEDY, COLEMAN, PRYOR, CANTWELL, DURBIN, MIKULSKI, BINGAMAN, LAUTENBERG and KERRY, in introducing the ''Keeping Families Together Act.'' This legislation is intended to reduce the barriers to care for children with serious mental illness so that their parents are no longer forced to give up custody solely for the purpose of securing mental health treatment.

Serious mental illness afflicts millions of our Nation's children and adolescents. It is estimated that as many as 20 percent of American children under the age of 17 suffer from a mental, emotional or behavioral illness. What I find most disturbing, however, is the fact that two-thirds of all young people who need mental health treatment are not getting it.

Behind each of these statistics is a family that is struggling to do the best it can to help a son or daughter with serious mental health needs to be just like every other kid—to develop friendships, to do well in school, and to get along with their siblings and other family members. These children are almost always involved with more than one social service agency, including the mental health, special education, child welfare, and juvenile justice systems. Yet no one agency, at either the State or the Federal level, is clearly responsible or accountable for helping these children and their families.

My interest in this issue was triggered by a compelling series of stories by Barbara Walsh in the Portland Press Herald which detailed the obstacles that many Maine families have faced in getting desperately needed mental health services for their children. Too many families in Maine and elsewhere have been forced to make wrenching decisions when they have been advised that the only way to get the care that their children so desperately need is to relinquish custody and place them in either the child welfare or juvenile justice system.

When a child has a serious physical health problem like diabetes or a heart condition, the family turns to their doctor. When the family includes a child with a serious mental illness, it is often forced to go to the child welfare or juvenile justice system to secure treatment.

Yet neither system is intended to serve children with serious mental illness. Child welfare systems are designed to protect children who have been abused or neglected. Juvenile justice systems are designed to rehabilitate children who have committed criminal or delinquent acts. While neither of these systems is equipped to care for a child with a serious mental illness, in far too many cases, there is nowhere else for the family to turn.

In some extreme cases, families feel forced to file charges against their child or to declare that they have abused or neglected them in order to get the care that they need. As one family advocate observed, ''Beat 'em up, lock 'em up, or give 'em up,'' characterizes the choices that some families face in their efforts to get help for their children's mental illness.

In 2003, the Government Accountability Office (GAO) issued a report that I requested with Representatives Pete Stark and Patrick Kennedy that found that, in 2001, parents placed more than 12,700 children into the child welfare or juvenile justice systems so that these children could receive mental health services. This likely is just the tip of the iceberg, since 32 States—including five States with the largest populations of children—did not provide the GAO with any data.

Other studies indicate that the problem is even more pervasive. A 1999 survey by the National Alliance on Mental Illness found that 23 percent—or one in four of the parents surveyed—had been told by public officials that they needed to relinquish custody of their children to get care, and that one in five of these families had done so.

Some States have passed laws to limit custody or prohibit custody relinquishment. Simply banning the practice is not a solution, however, since it can leave children with mental illness and their families without services and care. Custody relinquishment is merely a symptom of the much larger problem, which is the lack of available, affordable and appropriate mental health services and support systems for these children and their families.

In 2003 and 2004, I chaired a series of hearings in the Homeland Security and Governmental Affairs Committee to examine this issue further. We heard compelling testimony from mothers who told us that they were advised that the only way to get the intensive care and services that their children needed was to relinquish custody and place them in the child welfare or juvenile justice system. This is a wrenching decision that no family should be forced to make. No parent should have to give up custody of his or her child just to get the services that the child needs.

The mothers also described the barriers they faced in getting care for their children. They told us about the limitations in both public and private insurance coverage. They also talked about the lack of coordination and communication among the various agencies and programs that service children with mental health needs. One parent, desperate for help for her twin boys, searched for two years until she finally located a program—which she characterized as ''the best kept secret in Illinois''—that was able to help.

Parents should not be bounced from agency to agency, knocking on every door they come to, in the hope that they will happen upon someone who has an answer. It simply should not be such a struggle for parents to get services and treatment for their children.

We also need to question what happens to these children when they are turned over to the child welfare or juvenile justice authorities. I released a report in 2004 with Congressman Henry Waxman that found that all too often they are simply left to languish in juvenile detention centers, which are ill-equipped to meet their needs, while they wait for scarce mental health services.

Our report, which was based on a national survey of juvenile detention centers, found that the use of juvenile detention facilities to ''warehouse'' children with mental disorders is a serious national problem. It found that, over a six month period, nearly 15,000 young people—roughly seven percent of all of the children in the centers surveyed—were detained solely because they were waiting for mental health services outside the juvenile justice system. Many were held without any charges pending against them, and the young people incarcerated unnecessarily while waiting for treatment were as young as seven years old. Finally, the report estimated that juvenile detention facilities are spending an estimated $100 million of the taxpayers' money each year simply to warehouse children and teenagers while they are waiting for mental health services.

The Keeping Families Together Act, which we are introducing today, will help to improve access to mental health services and assist states in eliminating the practice of parents relinquishing custody of their children solely for the purpose of securing treatment.

The legislation authorizes $100 million over six years for competitive grants to states to create an infrastructure to support and sustain statewide systems of care to serve children who are in custody or at risk of entering custody of the State for the purpose of receiving mental health services. States already dedicate significant dollars to serve children in state custody. These Family Support Grants would help states to serve children more effectively and efficiently, while keeping them at home with their families.

In addition, the legislation calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems and the role of those agencies in promoting access by children and youth to needed mental health services. The task force would also be charged with monitoring the Family Support grants, making recommendations to Congress on how to improve mental health services, and fostering interagency cooperation and removing interagency barriers that contribute to the problem of custody relinquishment.

The Keeping Families Together Act takes a critical step forward to meeting the needs of children with serious mental or emotional disorders. Our legislation has been endorsed by a broad coalition of mental health and children's groups, including the National Alliance on Mental Illness, the Bazelon Center for Mental Health Law, Mental Health America, the American Psychological Association, and the American Psychiatric Association. I ask unanimous consent that letters from these organizations endorsing the bill be printed in the RECORD.

The Keeping Families Together Act will help to reduce the barriers to care for children with serious mental illness, and I urge our colleagues to join us as cosponsors.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

BAZELON CENTER,
Washington, DC, January 17, 2007.

Hon. SUSAN COLLINS
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Judge David L. Bazelon Center for Mental Health Law—the leading national legal-advocacy organization representing children and adults with mental disabilities who primarily rely on the public mental health system for treatment—is pleased to support the Keeping Families Together Act and commends your leadership on this important legislation.

A lack of access to appropriate mental health services and supports for children in both the private and public sectors is a significant barrier families across the country face when they are confronted with the horrific problem of custody relinquishment of a child solely to access necessary mental health treatment. Custody relinquishment for these purposes should not and does not need to happen. It is a symptom of a flawed children's mental health system that is in crisis.

The Keeping Families Together Act serves to address this fragmented system by assisting states in developing and expanding capacity to serve children with severe mental and emotional disorders so families have options when their child is in need of mental health care. With studies showing approximately two-thirds of children and adolescents are not receiving the mental health services they need, we welcome this vital legislation. Promoting early intervention, ensuring access to wide range of services and supports and helping to maintain family integrity are achievable goals supported by your legislation—goals we are confident will help reduce these appalling statistics.

The Bazelon Center looks forward to working closely with you and your staff throughout the legislative process to enact the Keeping Families Together Act. Thank you for your commitment to the health and mental health needs of our most vulnerable children.

Sincerely,

ROBERT BERNSTEIN, PH.D.,
Executive Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, January 19, 2007.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the 145,000 members and affiliates of the American Psychological Association (APA), I am writing in support of the Keeping Families Together Act. This vital legislation would establish a state family support grant program to end the practice of parents needing to relinquish legal custody of their children to state agencies for the sole purpose of obtaining mental health services for their children.

As you know, the custody relinquishment problem stems from a paradox that exists in many states. Private healthcare plans frequently do not cover many services needed by children with physical, mental, or developmental disabilities. As a result, many parents turn to the child welfare or juvenile justice system for assistance. Neither of these

systems is intended nor equipped to care for a child with a serious mental health problem. Yet, as the law currently exists in many states, parents must relinquish custody to receive otherwise unaffordable specialized care for their children. Ironically, these children are frequently placed with foster families that receive full funding for the children's care, while competent parents lose contact with, influence over and decision making authority for their children. Custody relinquishment of a child solely so he or she may access necessary mental health services is a national tragedy.

The Keeping Families Together Act lays a strong foundation for needed reforms by promoting access to needed services and reducing fragmentation in service delivery. Some of the legislation's main provisions include providing grants to states to establish interagency systems of care for children and adolescents with serious mental health and emotional problems. Additionally, this legislation will establish a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems.

APA members are actively engaged in research and practice initiatives related to helping children and their families receive the mental health services they need. Please view APA as a resource to you for empirically-based research on child mental health matters when considering the enactment of the Keeping Families Together Act.

In closing, we would like to thank you once again for your efforts in developing the Keeping Families Together Act and to offer our association's assistance in furthering passage of this vital legislation. Please contact Annie Toro of our Public Policy Office if you would like any additional information.

Sincerely,

GWENDOLYN PURYEAR KEITA,
Executive Director,
Public Interest Directorate.

MENTAL HEALTH AMERICA,
Alexandria, VA., January 22, 2007.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.
Hon. PETE STARK,
House of Representatives, Washington, DC.
Hon. TOM HARKIN,
U.S. Senate, Washington, DC.
Hon. JIM RAMSTAD,
House of Representatives, Washington, DC.

DEAR SENATORS COLLINS AND HARKIN AND REPRESENTATIVES RAMSTAD AND STARK: On behalf of Mental Health America (formerly the National Mental Health Association), I am writing to commend you for reintroducing the Keeping Families Together Act in the 110th Congress.

As you know, thousands of families every year are forced to give up custody of their children to the state in order to secure vitally necessary mental health services. This custody relinquishment tears families apart, is devastating for parents and caregivers, and leaves children feeling abandoned in their hour of greatest need. Parents are often forced to take this tragic step because their private health care coverage imposes discriminatory and restrictive caps on mental health care or their insurers simply refuse to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income. Furthermore, there is a widespread lack of appropriate mental health services for children and adolescents in most states and communities which forces families to make desperate choices.

Your legislation promises to improve access to the services these families need to stay together by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. These grants will allow states to build more efficient and effective mental health systems for children and families. Your bill also calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems. This analysis is greatly needed because, as you know, children who become wards of the state in order to receive mental health services are generally placed in the child welfare or juvenile justice systems even though neither system is designed or intended to serve as a mental health provider.

No family in our nation should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment. We welcome this legislation as a critical step toward ending custody relinquishment and toward delivering more cost effective and appropriate services for children and families.

Once again, we thank you for your leadership and commitment to ending this practice and for continuing to stand up for children and families.

Sincerely,

DAVID L. SHERN, PH.D.,
President and CEO, Mental Health America.

NATIONAL ALLIANCE ON MENTAL ILLNESS,
Arlington, VA, January 18, 2007.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND HARKIN: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness, NAMI, I am writing to offer our strong support for the Keeping Families Together Act, KFTA. As the nation's largest organization representing families of children and adolescents living with mental illness, NAMI is proud to offer our support for this important legislation.

The KFTA represents a major step forward in helping to end a national scandal that has lingered too long in states throughout our nation. As you know, thousands of families every year are forced to give up custody of a child to the state in order to secure vitally necessary mental illness treatment and support services. This unthinkable practice tears families apart, devastates parents and caregivers and leaves children feeling abandoned in their hour of greatest need.

This practice occurs because most families have discriminatory and restrictive caps on their private mental health coverage or insurers fail to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income and assets. This truly unfortunate practice also exists because of the lack of appropriate mental health services in many states and communities for children and adolescents with mental disorders. This was well documented in President Bush's 2003 New Freedom Initiative Mental Health Commission report.

Your legislation would help end this growing crisis by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. These grants would allow states to build more efficient and effective mental health systems for children and families. It would also. eliminate barriers to home and community-based care for children by enabling a greater number of children to receive mental health services under the Section 1915(c) Medicaid home- and community-based waiver. The waiver promises to make appropriate services available to children in their homes and communities and close to their loved ones at a considerable cost savings over providing those services in an institutional setting.

The KFTA also creates a federal interagency task force to examine how the child welfare and juvenile justice systems serve children and adolescents with mental illness. A GAO report released in April 2003 showed that when parents give up custody of their child to secure mental health services, those children are placed in one of these two systems—neither of which is designed to be a mental health service agency.

NAMI feels strongly that no family should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment and services. Thank you for your leadership and commitment to ending this practice and for continuing to stand up for children, families and common sense.

Sincerely,

MICHAEL J. FITZPATRICK, M.S.W.,
Executive Director.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished junior Senator from Maine, Ms. COLLINS, in introducing the Keeping Families Together Act. As a long-time advocate for people with disabilities, I believe that this legislation represents an important step forward in ensuring the health and wellbeing of our children, in particular those with mental illness.

One in five children has a diagnosable mental disorder, and one in ten children has a mental disorder serious enough to hinder their functioning at school, at the home, and in their communities. Regrettably, two-thirds of children in this latter group do not receive the treatment they need. Without treatment, mental illness negatively affects all areas of children's lives, and it can have dire consequences for their future, including their ability to become productive members of society. Children with mental health problems are at higher risk of chronic illness, academic difficulties and school discipline problems, delinquency, incarceration, and suicide.

The good news is that 90 percent of all mental health disorders are treatable by therapy and medication. Yet parents face a multitude of obstacles and challenges in finding appropriate services for a child with serious mental illness. Often, they find that their private insurance will not pay for necessary mental health services, or that they do not qualify for Medicaid. In their efforts to secure effective treatment, many parents exhaust their own financial resources and find that they have nowhere else to turn. Tragically, many dedicated, loving parents reach the point where they believe that they have no other option but to relinquish custody of their child to the State in order to access appropriate services. These out-of-home placements can be traumatic for children, and profoundly disruptive and heart-breaking for families that are already in crisis.

Making matters worse, state systems are often poorly equipped to serve the needs of these children. Many children end up being placed in expensive residential institutions, rather than less

costly home- and community-based services. Our juvenile justice system is overwhelmed by young people in need of mental health services. A congressional report authored by Senator COLLINS and Representative HENRY WAXMAN of California suggests that, every night, nearly 2,000 youths are placed in juvenile detention facilities not because they are criminals but because they do not have access to necessary mental health services. This results in a $100 million bill to the taxpayers. Not only is this a serious misuse of public funds, it is a tragic injustice to the children and families involved. We simply cannot allow children to languish in detention facilities when they are really in need of mental health treatment.

The Keeping Families Together Act lays a foundation for securing better access to mental health services for children. Consistent with recommendations by the President's New Freedom Commission on Mental Health, this legislation encourages interagency coordination in the provision of mental health services for children. The bill gives States incentives to remedy the fragmentation that now exists among child welfare, education, juvenile justice, and mental health agencies responsible for helping children. It ensures that States will improve access to mental health services and eliminate the practice of parents' relinquishing custody of their children solely for the purpose of securing mental health treatment. Our bill also promotes sustainable financing by requiring States to provide graduated matching funds.

In sum, by providing a sustainable, coordinated system of mental health care, children will be able to receive needed services within a stable, loving home environment. Families will be able to stay together.

In a decent, humane society, every family should have access to appropriate mental health services for their children. Parents should not have to surrender a child to the State as the price for obtaining access to mental health treatment. The Keeping Families Together Act offers a better way. It allows children with mental disorders to stay where they belong—in the custody and care of their loving family. I join with Senator COLLINS in urging our colleagues to support this urgent and important legislation.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 383. A bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from 2 years to 5 years after discharge or release; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I today introduce legislation that, if enacted, will help ensure that returning servicemembers receive the care they need from VA in the 5 years immediately following detachment or deactivation, without having to meet strict eligibility rules. The changes this legislation would make will contribute to the ''seamless'' transition of military personnel from active duty to veteran status. This legislation is identical to the bill I introduced last Congress.

Today, any active duty servicemember who is discharged or separated from active duty following deployment to a theater of combat—including Reservists or Guard who stand down but remain on reserve duty—is eligible for VA health care for a 2-year period. In my view, it is vital that this period be extended to 5 years to provide a more appropriate window of time for servicemembers to access VA care. Since the start of OEF and OIF, an average of 157,800 servicemembers have been discharged or deactivated per year. This legislation will help the existing 315,600 veterans who have been inactive for more than 2 years but fewer than 5, and thousands more in the future.

Following the first Persian Gulf War, and partially in response to the unexplained illnesses among those who served, Congress enacted the Veterans Programs Enhancement Act of 1998. This law gave 2 years of priority eligibility for health care to any veteran who served in a theater of combat following discharge or deactivation from active duty. The original intent was to ensure health care for servicemembers after their active duty health care benefits ended. It is now clear this the 2 year window of eligibility is insufficient.

There are two primary reasons to amend the law to allow a greater period of eligibility: protection from budget cuts and access to care for conditions, including mental health conditions, that may not be readily apparent when a servicemember first leaves active duty. In recent years, funding for VA health care has been delayed or cut by the legislative and appropriations processes, leading to delayed or denied care to those veterans with lower priority for VA care. Those veterans who have served in a theater of combat operations deserve to have their health care guaranteed for at least the first 5 years immediately following their discharge or detachment.

With regard to mental health, 2 years is often insufficient time for symptoms related to PTSD and other mental illnesses to manifest. In many cases, it takes years for such symptoms to present themselves, and many servicemembers do not immediately seek care. Experts predict that up to 30 percent of OEF/OIF servicemembers will need some type of readjustment services. Five years would provide a bigger window to address these risks. We face a growing group of recently discharged veterans, and this legislation will help smooth their transition to civilian life.

One final reason, that I believe this legislation is necessary, is that extending the window of eligibility for VA health care services may also serve to prevent homelessness among veterans. We all know that veterans represent a disproportionate segment of the homeless population, and that is a national tragedy. While we continue to battle homelessness among older veterans from Vietnam and other conflicts, we must do all we can to ensure that none of the new veterans returning from Iraq and Afghanistan fall through the cracks. Providing more time for them to access VA's services is a key part of that effort.

I urge my colleagues to support this legislation, as I believe it is truly a way to honor the service of our men and women in uniform.

By Ms. LANDRIEU (for herself, Mr. DURBIN, Mr. GRAHAM, and Mr. KERRY):

S. 384. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, today there are 91,555 members of the National Guard and our Reserve armed forces serving bravely in Iraq, Afghanistan, and any other part of the world our country calls them to serve. The President is sending an additional 21,500 troops to Iraq in one final push to bring stability to that country. Regardless of what we think about this plan, Americans stand by our troops. They have the best equipment and training for their mission and we would never deny them the support they need. But back at home, there is still a great deal that we can do to support our guard and reserves families.

When guardsmen and reservists are deployed they leave their families, their jobs, and their communities behind, causing tremendous stress on the home front and in the workplace. Families often lose the main bread winner when a citizen soldier gets deployed. They may have trouble paying bills, the rent, the mortgage, or buying medicine for their children.

The reason these families cannot make ends meet is because for Guardsmen and Reservists military pay is often less than civilian pay. We call that the ''pay gap.'' According to the most recent Status Forces Survey of Reserve Components, 51 percent of our citizen soldiers take a pay cut when they get deployed and 11 percent of them lose more than $2,500 per month.

To help provide relief from the pay gap for our Guard and Reserve, I am pleased to introduce, along with Senators DURBIN, GRAHAM and KERRY, the Helping Our Patriotic Employers at Helping our Military Employees Act of 2007. I call the bill by its nickname: HOPE at HOME. Our guard and reserve families have enough to worry about when a loved one gets called away, the least we can do is relieve some of their financial worry by encouraging employers to make up the pay gap. Let me describe for my colleagues how this legislation works.

HOPE at HOME will give a 50 percent tax credit to the thousands of employers around the country who have taken the patriotic step of continuing to pay the salary of their guard and reservists employees who have been called to active duty. There are literally thousands of employers out there who already take this noble step—they do it voluntarily, selflessly and at great sacrifice. The HOPE at HOME Act honors that sacrifice.

HOPE at HOME will also give companies that cannot afford to make up the pay-gap an incentive to do so. One survey found that only 173 of the Fortune 500 companies make up the pay gap. If the wealthiest companies cannot afford to help their active duty employees, imagine how difficult this is for smaller companies. HOPE at HOME will allow companies large and small to do the patriotic thing and reward those employees who are serving to keep us all free.

HOPE at HOME will also give small patriotic employers additional tax relief if they need to hire a worker to temporarily replace the active duty Guardsmen or Reservist. In addition, the bill clarifies the tax treatment of any pay-gap payments to make income tax filing easier for our Guard and Reservists.

I mentioned that thousands of employers make up the pay-gap for their employees. There is one employer, however, and it happens to be the Nation's largest, that does not make up the pay gap: Uncle Sam. The Federal Government, which should set the bar for patriotism in our country, does not do its part to help our citizen soldiers. We cannot ask the private sector to do more than they are doing if the Federal government is not willing to step up and do its part for our military men and women.

Today our Nation relies on the Guard and Reserve to meet our armed forces needs more than at any other time in our history. At times in the war on terror, 40 percent of our troops in Iraq and Afghanistan were citizen soldiers, if not more. Many of them performed multiple tours of duty or found their duties extended.

All of the experts tell us that our need for our Guard and Reserve troops will only get greater. During the Cold War, end strength of the U.S. military force never dropped below 2.0 million personnel and peaked at over 3.5 million during the Korean and Vietnam Wars. From 1989 to 1999, end strength dropped steadily from 2.1 million to 1.4 million, where it has remained. Our ground forces are stretched thin and the number of deployments has increased by over 300 percent. The Guard and Reserve have made it possible to meet these challenges. We still find ourselves stretched thin, but without the Guard and Reserve we would never be able to meet our obligation as guardians of freedom in the World.

But this over-reliance on the Guard and Reserve is starting to have a toll on our ability to recruit and retain these men and women. The top reasons for leaving the Guard and Reserve, according to the Status of Forces Survey of Reserve Components, are family stress, the number and lengths of deployments, income loss, and conflict with civilian employment.

HOPE at HOME recognizes that a soldier who is worrying about how his or her family is paying the bills is not focusing on the mission at hand. A soldier who is worrying about whether the family is paying the rent, is not going to reenlist. And every time one of our soldiers leaves, our nation loses the experience and service of a highly trained, capable professional. We need to make every effort to keep our citizen soldiers in service to their country. HOPE at HOME is a first step to addressing our military's larger recruitment and retention issues.

During the Cold War we built our strength on having the biggest, best equipped standing army in the World. Now our military gathers its strength from a large reserve of qualified men and women in the Guard and Reserve who are ready to fight at a moment's call. We will lose that strength if we do not give our guardsmen and Reservists and their families HOPE at HOME.

I hope my colleagues will join me in giving our Guard and Reserve HOPE at HOME Act.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. KERRY, Mr. SMITH, and Ms. SNOWE):

S. 385. A bill to improve the interoperability of emergency communications equipment; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to call attention to an important issue that the Congress has not adequately addressed since the painful events of September 11, 2001.

That issue is the inability of our first responders to speak to each other, a problem especially troubling during an emergency, when the ability to quickly and effectively communicate saves lives.

This is why I, with the cosponsorship of my colleagues, Senators STEVENS, KERRY, SMITH AND SNOWE, are introducing the Interoperable Emergency Communications Act.

After September 11, 2001, we heard heartbreaking stories of firefighters and police officers who went into harm's way because they lacked adequate information. These brave men and women were unable to reach victims because their systems could not communicate with one another.

At that time, the Congress began devoting greater attention to why many of our first responders lacked this ability to communicate with each other in the field. We asked what it would take to ensure communications equipment and facilities could withstand a natural disaster. We asked which equipment would be worthy of our investment.

Then Hurricane Katrina struck in August, 2006, and we found that our first responders faced the same communications failures. This is an unnecessary frustration that prevents our first responders from effectively doing their jobs.

Our bill provides needed direction to the National Telecommunications and Information Administration (NTIA) regarding its administration of the $1 billion grant program for interoperable communications systems for first responders, which was created by the Senate Commerce Committee early last year. It will be funded by money from the Digital Transition and Public Safety Fund and administered by the NTIA.

The bill designates grants for regional or statewide communications systems that will allow first responders to talk to one another during an emergency. It also sets aside funding for a technology reserve for immediate deployment of communications equipment in the event of an emergency or disaster.

To ensure a fair distribution of funds, the money will be distributed in accordance with guidelines outlined in the Patriot Act to ensure a fair distribution of funds, and grant allocations will be prioritized based on an ''all hazards'' approach that will take into account threat and risk factors associated with natural disasters—such as hurricanes, tsunamis, earthquakes, and tornadoes—as well as risks associated with terrorist attacks.

Every day we hear about potential threats against our Nation and it will not be long until we are again in the midst of hurricane season. I hope that history will not repeat itself and that the Congress can act quickly in directing the NTIA to give our first responders the tools they need to effectively do their jobs. 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. 385

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 ''Interoperable Emergency Communications Act''.

SEC. 2. INTEROPERABLE EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

''(1) may take such administrative action as is necessary to establish and implement a grant program to assist public safety agencies—

''(A) in conducting statewide or regional planning and coordination to improve the interoperability of emergency communications;

''(B) in supporting the design and engineering of interoperable emergency communications systems;

''(C) in supporting the acquisition or deployment of interoperable communications

equipment or systems that improve or advance the interoperability with public safety communications systems;

''(D) in obtaining technical assistance and conducting training exercises related to the use of interoperable emergency communications equipment and systems; and

''(E) in establishing and implementing a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster (as defined in section 102(2) of Public Law 93–288 (42 U.S.C. 5122); and

''(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which not more than $100,000,000, in the aggregate, may be allocated for grants under paragraph (1)(E).'';

(2) by redesignating subsections (b) and (c) as subsections (k) and (l), respectively, and inserting after subsection (a) the following:

''(b) EXPEDITED IMPLEMENTATION.—Pursuant to section 4 of the Call Home Act of 2006, no less than $1,000,000,000 shall be awarded for grants under subsection (a) no later than September 30, 2007, subject to the receipt of qualified applications as determined by the Assistant Secretary.

''(c) ALLOCATION OF FUNDS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that grant awards—

''(1) result in distributions to public safety entities among the several States that are consistent with section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)); and

''(2) are prioritized based upon threat and risk factors that reflect an all-hazards approach to communications preparedness.

''(d) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including—

''(1) a detailed explanation of how assistance received under the program would be used to improve regional, State, or local communications interoperability and ensure interoperability with other appropriate public safety agencies in an emergency or a major disaster; and

''(2) assurance that the equipment and system would—

''(A) be compatible with the communications architecture developed under section 7303(a)(1)(E) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(E));

''(B) meet any voluntary consensus standards developed under section 7303(a)(1)(D) of that Act (6 U.S.C. 194(a)(1)(D); and

''(C) be consistent with the common grant guidance established under section 7303(a)(1)(H) of that Act (6 U.S.C. 194(a)(1)(H)).

''(e) CRITERIA FOR CERTAIN GRANTS.—In awarding grants under subparagraphs (A) through (D) of subsection (a)(1), the Assistant Secretary shall ensure that all grants funded are consistent with Federal grant guidance established by the SAFECOM Program within the Department of Homeland Security.

''(f) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVE GRANTS.—

''(1) IN GENERAL.—In awarding grants under subsection (a)(1)(E), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

''(2) REQUIREMENTS AND CHARACTERISTICS.—A reserve established under paragraph (1) shall—

''(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

''(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

''(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

''(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

''(4) CONSULTATION.—In developing the reserve, the Assistant Secretary shall seek advice from the Secretary of Defense and the Secretary of Homeland Security, as well as national public safety organizations, emergency managers, State, local, and tribal governments, and commercial providers of such systems and equipment.

''(5) ALLOCATION AND USE OF FUNDS.—The Assistant Secretary shall allocate—

''(A) a portion of the reserve's funds for block grants to States to enable each State to establish a strategic technology reserve within its borders in a secure location to allow immediate deployment; and

''(B) a portion of the reserve's funds for regional Federal strategic technology reserves to facilitate any Federal response when necessary, to be held in each of the Federal Emergency Management Agency's regional offices, including Boston, Massachusetts (Region 1), New York, New York (Region 2), Philadelphia, Pennsylvania (Region 3), Atlanta, Georgia (Region 4), Chicago, Illinois (Region 5), Denton, Texas (Region 6), Kansas City, Missouri (Region 7), Denver, Colorado (Region 8), Oakland, California (Region 9), Bothell, Washington (Region 10), and each of the noncontiguous States for immediate deployment.

''(g) CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security shall identify and, if necessary, encourage the development and implementation of, consensus standards for interoperable communications systems to the greatest extent practicable.

''(h) USE OF ECONOMY ACT.—In implementing the grant program established under subsection (a)(1), the Assistant Secretary may seek assistance from other Federal agencies in accordance with section 1535 of title 31, United States Code.

''(i) INSPECTOR GENERAL REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Interoperable Emergency Communications Act, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(j) DEADLINE FOR IMPLEMENTATION PROGRAM RULES.—Within 90 days after the date of enactment of the Interoperable Emergency Communications Act, the Assistant Secretary, in consultation with the Secretary of Homeland Security and the Federal Communications Commission, shall promulgate program rules for the implementation of this section.''; and

(3) by striking paragraph (3) of subsection (l), as redesignated.

(b) FCC REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission, in coordination with the Secretary of Homeland Security, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

SEC. 3. RULE OF CONSTRUCTION.

(a) IN GENERAL.—Title VI of the Post-Katrina emergency Management Reform Act of 2006 (Public Law 109–295) is amended by adding at the end thereof the following:

''SEC. 699A. RULE OF CONSTRUCTION.

''Nothing in this title, including the amendments made by this title, may be construed to reduce or otherwise limit the authority of the Department of Commerce or the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as though enacted as part of the Department of Homeland Security Appropriations Act, 2007.

Mr. CHAMBLISS:

S. 386. A bill to amend the Clean Air Act to require a higher volume of renewable fuel derived from cellulosic biomass, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAMBLISS. Mr. President, I rise today to discuss the connection between energy production and agriculture. Agriculture and energy policy are converging and unlike anytime in the past, farmers and ranchers are producing food, fiber, and fuel. As the country recognizes the danger of relying on imported oil, we need to develop an energy policy that is aggressive while at the same time thoughtful. Renewable fuels like ethanol and biodiesel are not the total solution to our problems, but they can help reduce our dependence on imported oil from unstable regions of the world.

In 2005, the Congress passed, and President Bush signed, the Energy Policy Act that established the Renewable Fuel Standard, RFS. The RFS requires minimum volumes of renewable fuels be used in America's motor fuels market annually, from 4 billion gallons in 2006 to 7.5 billion in 2012. On January 1, 2006, the Renewable Fuel Standard went into effect and since then, the United States has used more than 5 billion gallons of ethanol, outpacing RFS requirements by more than 25 percent. According to the Renewable Fuels Association, in the next 18 months the industry will add nearly 6 billion gallons of new production capacity. In short, in 2008, new capacity will exceed the minimum level as called for in the RFS.

This progress is astounding. However, the expansion has not come without some cost to the rest of the agriculture sector. For the first time in memory corn prices increased during the 2006 harvest season and exceeded a critical threshold of $4 per bushel on the Chicago Board of Trade and continue to do so.

If corn prices continue to set new highs over the next year, the broiler industry in my home State of Georgia and across the Southeast will come under increasing pressure. I fear continued price spikes will force some producers out of business. This is not unique to the poultry industry, but will also impact swine and cattle operations across the country as ethanol outbids livestock for corn.

We find ourselves in the position of encouraging an industry that directly competes with another that is important in all our States, and I hope the end result is not policy that encourages livestock operators to further integrate and consolidate. We need to continue to support the biofuels sector, but also do it in a way that has the least disruption on existing markets as possible.

For this reason, I am introducing the Cellulosic Ethanol Incentive Act of 2007. This act builds upon the success of the RFS and increases the target from 7.5 billion gallons in 2012 to 30 billion gallons in 2030. Central to the bill is a set-aside that will help commercialize cellulosic ethanol much faster than under current law. This is important in order to ensure Federal policy does not erode the profitability of the U.S. livestock sector by encouraging additional competition for available corn. The bill meets the challenge set forth by President Bush last night and mirrors the renewable fuel targets in his proposal.

Furthermore, the legislation promotes regional diversity in the production of biofuels. This is important in order to spread the benefits of renewable energy policy more evenly across all regions of the country. By recommending a minimum level of consumption within a particular region, we will provide a needed economic boost to rural areas, a new income stream for farmers and ranchers and a further acceleration in the production of cellulosic ethanol from a diverse resource base ranging from wood chips in the Southeast to wheat straw on the Great Plains.

Ever since the founding of our great country, farmers and ranchers have been an integral part in growing the safest, most affordable food supply in the world. Now we can build upon their success and we ask them to help grow an abundant source of energy. I am confident they are up to the task and the Cellulosic Ethanol Incentive Act is an important step to help promote this goal.

I urge my colleagues to join me in supporting the bill and 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. 386

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 ''Cellulosic Ethanol Incentive Act of 2007''.

SEC. 2. RENEWABLE FUEL PROGRAM.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i)—

(i) in the clause heading, by striking ''2012'' and inserting ''2030''; and

(ii) in the table, by striking the item relating to 2012 and inserting the following:

''2012	10
2013	11
2014	12.10
2015	13.31
2016	14.64
2017	16.11
2018	17.72
2019	19.49
2020	20.46
2021	21.48
2022	22.56
2023	23.69
2024	24.87
2025	26.11
2026	27.42
2027	28.79
2028	30.23
2029	31.74
2030	33.33.'';

(B) in clause (ii)—

(i) in the clause heading, by striking ''2013'' and inserting ''2031'';

(ii) by striking ''2013'' and inserting ''2031''; and

(iii) by striking ''2012'' and inserting ''2030'';

(C) by striking clause (iii) and inserting the following:

''(iii) MINIMUM QUANTITY DERIVED FROM CELLULOSIC BIOMASS.—

''(I) RATIO.—For calendar year 2010 and each calendar year thereafter, the 2.5-to-1 ratio referred to in paragraph (4) shall apply only to the quantity of cellulosic biomass ethanol sold or introduced into commerce during a calendar year that is in excess of the minimum quantity of renewable fuel derived from cellulosic biomass required for that calendar year.

''(II) MINIMUM QUANTITY.—For calendar year 2010 and each calendar year thereafter, the applicable volume referred to in clause (i) shall contain a minimum volume of renewable fuel derived from cellulosic biomass, as determined in accordance with the following table:

''Calendar year:	**Minimum volume derived from cellulosic biomass (in billions of gallons):**
2010	0.25
2011	0.25
2012	0.5
2013	0.65
2014	0.85
2015	1.10
2016	1.64
2017	3.11
2018	4.72
2019	6.49
2020	7.46
2021	8.48
2022	9.56
2023	10.69
2024	11.87
2025	13.11
2026	14.42
2027	15.79
2028	17.23
2029	18.74
2030	20.33.'';

(D) in clause (iv)—

(i) by striking ''2013'' and inserting ''2031''; and

(ii) in subclause (II)—

(I) in item (aa), by striking ''7,500,000,000'' and inserting ''33,330,000,000''; and

(II) in item (bb), by striking ''2012'' and inserting ''2030''; and

(E) by adding at the end the following:

''(v) REGIONAL REQUIREMENT.—

''(I) IN GENERAL.—Except as provided in subclause (II), not less than 30 percent of the total volume of renewable fuel required in a State under this subsection shall be derived from the region of the Environmental Protection Agency in which the State is located.

''(II) EXCEPTION.—The Administrator may reduce or waive the requirement in subclause (I) for a region if the Administrator determines that it would be impracticable for the region to produce the required volume of renewable fuel.''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''2011'' and inserting ''2029''; and

(B) in subparagraph (B), by striking ''2012'' and inserting ''2029''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration;

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed $3,083,641.

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed $5,404,061.

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed $2,295,042.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 39—EXPRESSING THE SENSE OF THE SENATE ON THE NEED FOR APPROVAL BY THE CONGRESS BEFORE ANY OFFENSIVE MILITARY ACTION BY THE UNITED STATES AGAINST ANOTHER NATION

Mr. BYRD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. 39

Whereas the United States has the best trained, most effective military in the world;

Whereas the United States military is made up of dedicated, patriotic men and women;

Whereas the men and women in the United States military reflect the highest values and the spirit of our Nation;

Whereas the United States Government has the responsibility to ensure that the men and women of the United States military are provided for to the fullest extent;

Whereas the United States Government has the responsibility to make certain that the lives of the men and women of the United States military are never put at risk without the utmost consideration;

Whereas military action by the United States must not be undertaken without the most careful preparation;

Whereas the Constitution of the United States is designed to meet the needs of the Nation in peace and in war and to meet any common danger to the Nation;

Whereas in time of war and periods of emergency, in particular, the constitutional principles of separation of powers and checks and balances are most critical; and

Whereas offensive military action by the United States must not be undertaken without full and thorough debate in the Congress: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that, under the Constitution of the United States, it is the Congress that has the power to take the country from a state of peace to a state of war against another nation;

(2) that the framers of the Constitution understood that the President, in an emergency, may act to defend the country and repel sudden attack, but reserved the matter of offensive war to the Congress as the representatives of the people;

(3) that the Senate affirms the requirement under the Constitution that the President seek approval of the Congress before the United States undertakes offensive military action against another nation;

(4) that consultation by the President with the Congress on any United States undertaking of offensive military action against another nation must allow sufficient time for the Congress to fully debate the matter and shape national policy; and

(5) that any offensive military action by the United States against another country shall occur only after the Congress has authorized such action.

Mr. BYRD. Mr. President, to many Americans, the word ''Vietnam'' has become a painful remainder of a bloody quagmire of a never-ending war without an exit strategy. Certainly, Vietnam is a reminder of failed leadership and two destroyed Presidencies. Like the Johnson and Nixon administrations during the Vietnam era, when their war policies were attacked, the Bush administration wraps itself in the American flag and often engages in tactics of impugning not only the integrity but the patriotism of its critics. President Bush has even said those who compared Iraq to Vietnam send the wrong message to our troops. Such a comparison, he suggests, harms our troops.

I continue to be alarmed that the war in Iraq shows all the signs of degenerating into an equally calamitous debacle as Vietnam. And that is the point. The war in Vietnam lasted more than 10 years. It took more than 58,000 American lives. That long, painful war could have been avoided. Thousands of American lives could have been saved. The blood of thousands of American sons and daughters could have been saved. It need not have been spilled. That is why references to Vietnam are being made when talking about the war in Iraq. I make the comparison because I am furious, absolutely furious, that this Government, after the bitter and bloody experience of Vietnam, has failed to heed the lessons of Vietnam.

How could we have failed to consider the lessons of Vietnam before stumbling into Iraq? I didn't vote to go into Iraq. I said, hell, no, I won't go. We are doing the wrong thing if we go into Iraq. Did they listen? Did they hear? The American people have a right, the public has a right, to ask this question.

As a Senator, I have an obligation both morally and politically to ask that question. How could we not think about the error this country made with respect to Vietnam before we invaded Iraq? The similarities were obvious. In opposing the Iraq war resolution, which I did, I and others expressed concern that the Iraq resolution was another Gulf of Tonkin resolution and could well lead to another Vietnam. As to the Tonkin Gulf resolution, S.J. Res. 46, I explained in this way:

> . . . have several things in common. Congress is again being asked to vote on the use of force without hard evidence that the country poses an immediate threat to the national security of the United States. We are being asked to vote on a resolution authorizing the use of force in a hyped up, politically charged atmosphere in an election year. Congress is again being rushed into a judgment.

And I quoted Senator Wayne Morse, one of the two Senators who opposed the Tonkin Gulf resolution, as he proclaimed:

> The resolution will pass, and Senators who voted for it will live to regret it.

How right he was.

Tragically, tragically, as the war in Iraq has progressed, the parallels with the Vietnam war continue to mount. We have learned that, once again, the American people were led down the primrose path in rallying support for a costly war. Congress and the American people were told about weapons of mass destruction in Iraq. Yes. They were told about Saddam Hussein's connections to al-Qaida. They were told about Iraq trying to purchase uranium from Africa.

The cost of the war was once estimated to be less then $100 billion. But the bill is now rising ever closer to half a trillion dollars. As a result, the National Journal pointed out, ''as with Vietnam, political support for [the war in] Iraq has proved to be fragile in part because it was secured by justification that has been discredited.''

In each of the two wars, American soldiers were placed in the treacherously difficult situation of having to fight an uncertain, indistinguishable

enemy, never knowing friend, never knowing foe, until they started shooting. As in Vietnam, our soldiers are once again confronted with the deadly situation of trying to ferret out insurgents in a population that is willing—listen—a population that is willing to hide them.

In each war, we went in thinking of ourselves as liberators. We came to be seen by the people we were supposed to be liberating as the invaders. In each war, where it was so necessary for us to win the hearts and minds of the people of the country, our presence there, instead, alienated the people of the country and turned them against us. In each war, both the White House, yes, and the Pentagon, yes, grossly and tragically underestimated the determination and the ferocity of our opponents.

Bring them on, bring them on, President Bush chided the Iraqis and terrorists on July 2, 2003. Do you remember that? I do. He said ''bring 'em on.''

In the time since he made that statement ''bring 'em on,'' we, the American people, have lost more than 2,800 troops in that war.

Yes, ''bring 'em on.'' ''Bring 'em on.'' And so they brought them on. We have lost more than 2,800 troops in that war. As of today, 3,062—get that—3,062 Americans in total have been killed in Iraq. And for what? And for what, I ask? As of today, 3,062 Americans in total have been killed in that war.

Yes, ''bring 'em on,'' President Bush chided the Iraqis and terrorists on July 2, 2003. So I will say it once more. We have lost more than 2,800 troops in that war since President Bush said: ''bring 'em on.''

Former Senator Max Cleland—do you remember him? I remember him. He used to sit right back there. Max Cleland, bless his heart, recently pointed out that American forces have now ''become sitting ducks in a shooting gallery for every terrorist in the Middle East.''

Although Congress should have learned important lessons from the Vietnam war, there are now ominous indications that a path to a new military confrontation is being created right before our eyes. Just this month, the President announced his intention to ''interrupt the flow of support from Iran and Syria'' into Iraq.

What does this saber-rattling comment really mean? Hear me. Does the President seek to expand the ongoing war beyond Iraq's borders? Does he? Does this comment really mean that? Or are we already on a course to another war in the Middle East? Are we? Will Syria or Iran be the Cambodia of a 21st century Vietnam? Will Syria or Iran be the Cambodia of a 21st century Vietnam?

In the State of the Union Address last night, the President called out Iran no less than seven times. Was the speech the first step in an effort to blame all that has gone wrong in the Middle East on Iran? Was the focus on Iran during the President's address an attempt to link Iran to the war on terrorism, and, by extension, start building a case that our response to the 9/11 attacks must include dealing with Iran?

I fear—and I hope I am wrong—that the machinery may have already been set in motion which may ultimately lead to a military attack inside Iran or perhaps Syria, despite the opposition of the American people, many in Congress, and even some within the President's administration.

Wise counsel from congressional leaders to step back from the precipice of all-out war in the Middle East is too easily disregarded. To forestall a looming disaster, Congress must act to save the checks and balances established by the Constitution.

Today I am introducing a resolution that clearly states that it is Congress—the Congress, the Congress, not the President—that is vested with the ultimate decision on whether to take this country to war against another country.

This resolution, which I hold in my hand—here it is—this resolution is a rejection—hear me—a rejection of the bankrupt, dangerous, and unconstitutional doctrine of preemption. Let me say that again. This resolution, which I hold in my hand, is a rejection of the bankrupt, dangerous, and unconstitutional doctrine of preemption, which proposes that the President—any President—may strike another country before that country threatens us, before that country threatens us. That is the doctrine of preemption: We may strike, we may attack, we may invade another country before it threatens us.

Now, this resolution, which I am going to introduce, returns our Government to the inspired intent of the Framers, God bless them, of the Constitution who so wisely placed the power to declare war in the hands of the elected representatives of the American people.

If there exists a reckless determination for a new war in the Middle East, I fear that the attorneys of the executive branch are already seeking ways to tie this war to the use of force resolution for Iraq, or the resolution passed in response to 9/11. But the American people need only be reminded about the untruths of Iraq's supposed ties to the 9/11 attacks to see how far the truth can be stretched in order to achieve the desired outcome.

If the executive branch were to try to prod, stretch, or rewrite the 9/11 or the Iraq use of force resolutions in an outrageous attempt to apply them to an attack on Iran, on Syria, or anywhere else, this resolution of mine is clear—clear as the noonday Sun in a cloudless sky—this resolution is clear: The Constitution says that Congress—we here and those over there on the other side of the Capitol—the Constitution says that Congress, not the President, must make the decision for war or peace. The power to declare war resides in Congress—resides here—and it is we—we, the elected representatives of the people—who are the ''deciders.''

Congress has an obligation to the people of the United States. With so many of our sons and daughters spilling their blood in one costly war, Senators and Representatives have a moral duty to question whether we are headed for an even more tragic conflict in the Middle East. But in order to question this administration—in order to fulfill the duties entrusted to us by the Constitution, to which we have sworn to support and defend—Congress must first insist that the powers given to this body—the Congress, the Senate and the House—are held sacrosanct. We must insist that these powers, including the power to declare war, are not usurped by this President or any other President who will follow.

The resolution, Mr. President, which I am submitting today, is an effort to protect the Constitution—an effort to protect the Constitution—from the zeal of the executive branch, whose very nature is to strive for more and more power during a time of war.

It is time now for Congress to put its foot down and stand up for the Constitution. Our Nation did not ask to be put into another Vietnam. Let us not deceive ourselves that we are somehow immune to another Cambodia. Let us stop a reckless, costly war in Iran or Syria before it begins by restoring the checks and balances that our Founders so carefully—so carefully—designed.

I send, Mr. President, the resolution to the desk.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. BYRD. I thank the Chair.

Mr. President, let the title be read, please.

The PRESIDING OFFICER. Without objection, the title will be read.

The bill clerk read as follows:

A resolution (S. Res. 39) expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

Mr. BYRD. I thank the Chair, and I thank the clerk.

I yield the floor.

SENATE CONCURRENT RESOLUTION 4—EXPRESSING THE SENSE OF CONGRESS ON IRAQ

Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COLEMAN, Mr. SALAZAR, Mr. BAYH, Ms. LANDRIEU, Mr. NELSON of Florida, and Mrs. MCCASKILL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 4

Whereas, we respect the Constitutional authorities given a President in Article II, Section 2, which states that ''The President shall be commander in chief of the Army and Navy of the United States;'' it is not the intent of this resolution to question or contravene such authority, but to accept the

offer to Congress made by the President on January 10, 2007 that, ''if members have improvements that can be made, we will make them. If circumstances change, we will adjust;''

Whereas, the United States' strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship;

Whereas, over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the support of all Americans, which they have strongly;

Whereas, many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families;

Whereas, the U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan;

Whereas, these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our nation's all volunteer force;

Whereas in the National Defense Authorization Act for Fiscal Year 2006, the Congress stated that ''calendar year 2006 should be a period of significant transition to full sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq;''

Whereas, United Nations Security Council Resolution 1723, approved November 28, 2006, ''determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security;''

Whereas, a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

Whereas, Iraq is experiencing a deteriorating and ever-widening problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims;

Whereas, Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

Whereas, the responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi Security Forces;

Whereas, U.S. Central Command Commander General John Abizaid testified to Congress on November 15, 2006, ''I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future;''

Whereas, Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006 that ''The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians;''

Whereas, there is growing evidence that Iraqi public sentiment opposes the continued U.S. troop presence in Iraq, much less increasing the troop level;

Whereas, in the fall of 2006, leaders in the Administration and Congress, as well as recognized experts in the private sector, began to express concern that the situation in Iraq was deteriorating and required a change in strategy; and, as a consequence, the Administration began an intensive, comprehensive review of the Iraq strategy, by all components of the Executive branch;

Whereas, in December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes ''new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;''

Whereas, on January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy (hereinafter referred to as the ''plan,'') the central element of which is an augmentation of the present U.S. military force structure through additional deployments of approximately 21,500 U.S. military troops to Iraq;

Whereas, this proposed level of troop augmentation far exceeds the expectations of many of us as to the reinforcements that would be necessary to implement the various options for a new strategy, and led many members to express outright opposition to augmenting our troops by 21,500;

Whereas, the Government of Iraq has promised repeatedly to assume a greater share of security responsibilities, disband militias, consider Constitutional amendments and enact laws to reconcile sectarian differences, and improve the quality of essential services for the Iraqi people; yet, despite those promises, little has been achieved;

Whereas, the President said on January 10, 2007 that ''I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended'' so as to dispel the contrary impression that exists;

Whereas, the recommendations in this resolution should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces: Now therefore be it—

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Senate disagrees with the ''plan'' to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below with reduced force levels than proposed;

(2) The primary objective of the overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation;

(3) The military part of this strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, and training and equipping Iraqi forces to take full responsibility for their own security;

(4) United States military operations should, as much as possible, be confined to these goals, and should charge the Iraqi military with the primary mission of combating sectarian violence;

(5) The military Rules of Engagement for this plan should reflect this delineation of responsibilities;

(6) The United States Government should transfer to the Iraqi military, in an expeditious manner, such equipment as is necessary;

(7) The Senate believes the United States should continue vigorous operations in Anbar province, specifically for the purpose of combating an insurgency, including elements associated with the Al Qaeda movement, and denying terrorists a safe haven;

(8) The United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace-and-reconciliation process for Iraq;

(9) The Administration should provide regular updates to the Congress, produced by the Commander of United States Central Command and his subordinate commanders, about the progress or lack of progress the Iraqis are making toward this end.

(10) our overall military, diplomatic and economic strategy should not be regarded as an ''open-ended'' or unconditional commitment, but rather as a new strategy that hereafter should be conditioned upon the Iraqi government's meeting benchmarks that must be specified by the Administration.

Mr. WARNER. Mr. President, Senator NELSON of Nebraska and Senator COLLINS and I have worked for some time to put forward a resolution embracing the very serious, heartfelt sentiments of Senators with regard to the President's plan that he enunciated on January 10.

That plan—and I credit the President for the in-depth study and preparation that went into it, the consultations; I was privileged to be a part of three consultations with the President in that period—it is that plan about which a number of us here in the Senate have some thoughts.

The President, in his statement on January 10, laid down the invitation for Members of Congress to come forward and provide their thoughts. And that is the vein in which the three of us, together with a series of cosponsors, have adopted this first draft, which is identical to the draft we put into the RECORD some nights ago. We purposely have not changed a comma or a period or any other word in it because a number of colleagues, in a very thoughtful and proper way, have come to us with suggestions and ideas. But at this time, we believe we should lay this down, such that other Senators who might wish to be cosponsors may do so. The Senate works its will each day, and we are always here to consider ideas from other colleagues, but at the present time this is the format. We purposely waited until after the Foreign Relations Committee worked on its resolution, which I understand will soon be working its way to the calendar.

So for that purpose, we put in ours. We find some differences—very significant, in my judgment—between ours and the resolution offered by the distinguished Senator, Mr. BIDEN, and others—Senator LEVIN, indeed, Senator HAGEL.

We believe we have put a greater emphasis on urging the President to consider other options, given that we have a general disagreement with the very

significant level of troops that are specifically set forth in the President's plan.

We also feel very strongly about the issue of sectarian violence and how that must be the primary mission of the Iraqi forces. The American GI simply should not be, in my judgment—whenever possible, the rules of engagement should provide that the Iraqi forces should deal with the sectarian violence issue. They understand the language. They understand the cultural differences, which precipitate the animosity between the Sunni and the Shia and, indeed, the most distressing aspects of it: the Shia upon Shia and Sunni upon Sunni. We recognize that sectarian violence is undermining, in many ways—the level of it—the efforts of this Government under Prime Minister Maliki to go forward and exercise the full reins of sovereignty and that it is in those interests that sectarian violence has to be dealt with. It is an important mission, but I believe strongly it is a mission that should be given primarily to the Iraqi forces.

We concur with the President, who said many times, including in his statement on January 10, that to allow this Government to fail and to allow the accomplishments toward sovereignty through free elections by the Iraqi people to be lost and this country to simply be plunged into chaotic situations is not in the interests of peace in that region and, indeed, peace in the world.

Our resolution does not provide for a reduction in any way or suggest the level of U.S. forces there now. It does not provide a timetable. It simply urges the President to consider all options and sets forth in there the primary missions as we interpret them to be in the interests of our country. Those primary missions track in large measure the Baker-Hamilton report.

We also stress the need for benchmarks to be spelled out with clarity. And should the operations in Baghdad go forward under the Commander in Chief—and we recognize fully and in no way try to contravene the authority of the President to act under the Constitution as Commander in Chief—should that go forward, it will be done in an incremental fashion, as we have been told by the Chairman of the Joint Chiefs and others.

So when the first operation takes place, we should carefully set forth the benchmarks and see if the Iraqi Government and the Iraqi armed forces fulfill those benchmarks; namely, do they all come in the numbers that they were supposed to under that plan? They failed to do that when a similar augmentation for the Baghdad operation was initiated this summer. Will the political structure in Iraq resist, refrain, and in every other way allow the military commanders, both U.S. and Iraqi, to carry out the missions as they see fit and employ such tactics as they deem necessary to achieve those missions without being called by the Government and told: Stop this, withdraw here, or do not take that prisoner, but if you have him, then release him. We cannot go in under that guise.

Thirdly and most importantly, we have to see how the Iraqis perform. Will they take the point? Will they take the lead? And in such tactics, will they then be the primary—the primary—if not the essential force that deals with sectarian violence, such that the rules of engagement spell out: Whenever necessary, the coalition forces and namely the United States shall not be utilized.

At this time, I would invite my colleagues to express their views, and I will ask each to name those cosponsors whom we have gotten from each side of the aisle.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, first of all, I thank the senior Senator from Virginia for his considerable work in drafting this resolution and working over the weekend with us and our staffs, who worked very closely together to prepare this Iraq resolution.

I think it is important to say as well that I respect the work done by the Senate Foreign Relations Committee today in considering the resolution submitted by, supported by their chairman, the distinguished Senator from Delaware, Mr. BIDEN. I have a great deal of respect for Senator BIDEN's work.

This is an area where there can be more than one idea about how to approach something, but at the end of the day, it is going to be important to have a resolution that has broad bipartisan support.

I also appreciate the work of Senator COLLINS, who, as our colleague, has worked very closely on this resolution together with her staff to be able to submit it today in this fashion by putting it not only into the RECORD but on the floor so it can become part of the business of the Senate.

There will be some who would say: Why is there a need for a second resolution? Well, this resolution offers a new set of ideas, more broadly worded, and in some cases, clearly, more likely to be bipartisan for Senators to consider. Given the fact that the Senate Foreign Relations Committee resolution came out on largely a partisan vote, we think this resolution, because it is picking up bipartisan support, will be, in terms of content and support, consistent with an effort to bring about a bipartisan resolution with broad support.

The recommendations of the Iraq Study Group have not been followed to any significant extent to date. In some respects, they have been almost on a skyhook for future consideration. It was our feeling that many of these recommendations of the Baker-Hamilton study group should be included in a resolution, and we included many of those recommendations in the body of our resolution.

We also worked very carefully to avoid political rhetoric or any kind of rhetoric that threatens the real objective. The real objective of this resolution is to stress to the White House that we disagree with the approach this plan takes by putting more men and women in our uniform in harm's way to fight, to do battle, to overcome the sectarian violence and the possible civil war of the Sunnis and the Shias and various subgroups within those religious and political elements. We also believed it was important to stress benchmarks and to empower the Prime Minister and the Iraqi Government to be able to meet certain objectives, certain goals, and to be able to deliver.

At the end of the day, we think it is important to send a strong but unified message to the White House and Iraq. The more support the resolution receives in the Senate, the stronger our message will be. So tonight I am very pleased and am certainly proud to be here with my colleagues to say that at the end of the day, we think the strength of this resolution to uphold our responsibility will be in the best interests of our country and our military and that our colleagues should join together with us in opposition to the surge of U.S. troops to be placed in Baghdad. It is the responsibility of the Iraqi Government and the Iraqi military to overcome the battles between sectarian groups within their own country and to seek less of a military resolution and certainly more of a political resolution to the problems that exist at the present time.

With that, let me say that I would like to see our unanimous consent be modified to include up to 10 minutes for Senator SALAZAR from Colorado to speak on the resolution afterward, if there is no objection.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I certainly will not object. I wonder if I might have 2 minutes following Senator COLLINS to summarize before we receive the distinguished Senator from Colorado for his remarks. I ask unanimous consent that the unanimous consent agreement be modified so I can have about 2 minutes.

Mr. NELSON of Nebraska. Sure.

The PRESIDING OFFICER. Is there objection?

If not, without objection, the unanimous consent agreement is so modified.

Mr. NELSON of Nebraska. Mr. President, it is my pleasure to now turn to Senator COLLINS, who has worked very closely with us. Before I do, I should indicate the cosponsors from the Democratic side are Senator SALAZAR, Senator BILL NELSON, Senator LANDRIEU, Senator BAYH, and Senator MCCASKILL.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my two colleagues on the Senate floor this evening in submitting a very important resolution on what is perhaps the greatest challenge facing our country.

Let me first say it has been an honor and a privilege to work with the distinguished Senator from Virginia, the former chairman of the Senate Armed Services Committee, as well as my friend and colleague from Nebraska, Senator BEN NELSON. We have worked very hard on this resolution, spending many hours wordsmithing the language of it, trying to get exactly the kind of serious policy statement we could bring before our colleagues in the Senate.

I am very pleased that on the Republican side, we are joined by two leaders on this issue, Senator COLEMAN and Senator SMITH. They, too, have had input to the resolution. That brings the number of us who are joining tonight as original sponsors of our resolution to 10 Members of the Senate. I would also note that based on conversations I have had with our colleagues on both sides of the aisle, there are several more Senators who are very interested in our resolution and may well join in cosponsoring it at a later date or certainly in voting for it.

Yesterday the Senate Armed Services Committee held a very useful hearing on the nomination of an outstanding military officer, General Petraeus, whom the President has tapped to lead our forces in Iraq. Earlier today the Senate Armed Services Committee, I believe by unanimous vote, voted to report this vital nomination to the full Senate. General Petraeus is the ideal person to be taking over as commander of our troops in Iraq. If anyone can make what I believe to be a flawed strategy a success, it is he. But I had a very interesting exchange with General Petraeus. I talked to him about my concern that inserting more American troops into Iraq may well lessen the pressure on Iraqi leaders to take the long overdue steps that are needed to quell the sectarian violence.

I know the President believes the answer is more American troops, that that will provide the Prime Minister and other leaders with the space they need to take the reforms forward. I fear it is just the opposite. I believe it lessens the pressure on the Iraqi leaders.

Mr. WARNER. Would the Senator yield?

Ms. COLLINS. I am happy to yield.

Mr. WARNER. Did not the CENTCOM commander, who is still the CENTCOM commander, General Abizaid, testify before our committee and, in the precise words, said he felt that at this time added troops were not necessary, more troops would lessen the incentive of the Iraqis to pick up the burdens which we are trying to have them assume under sovereignty?

Ms. COLLINS. The distinguished Senator from Virginia is exactly correct. That is indeed the testimony that was brought before our committee a month ago. This was not ancient history. It was very reasoned testimony and it could not have been clearer testimony. Indeed, similar testimony was given by General Casey.

I asked General Petraeus if he felt we would be facing the widespread and deteriorating sectarian violence that threatens the entire country, but particularly the Baghdad region, if Iraqi leaders had amended their Constitution, had passed an oil revenue law that more equitably distributed oil proceeds among the groups in Iraq, if they had held provincial elections, if they had more fully integrated the Sunni minority into the Government power structures; would we be in the same place today? And he told me he did not believe we would be. I think that is significant, because I believe if Iraqi leaders had taken those steps, we would not be facing the widespread sectarian violence that has engulfed the Baghdad region.

I also talked to General Petraeus about a fascinating article he wrote a year ago in which he outlined 14 observations that he had, based on his previous tours in Iraq. The first and most important observation in this article in ''Military Review'' that General Petraeus had was to quote Lawrence of Arabia back in 1917, to say that it was a mistake for us to do too much, whoever the foreign force is, and that you had to let the Iraqis take the lead on these issues. Well, those words, true in 1917, are just as true today, as General Petraeus himself observed in this article.

The second observation in the same article, General Petraeus said an army like ours in a land like Iraq has a half life as liberators, that they are quickly seen as an army of occupiers. I believe that is what has happened in Iraq and that confirms what my own observations were during a trip a month ago to that land. Our delegation met with a British commander in Basra who described to us a declining consent line. He said at first when the British arrived in Basra, they were greeted as liberators. But as time has gone by, their presence is more and more resented and less and less tolerated.

The observations General Petraeus had in this article offer us good guidance and, indeed, reflect in many ways the concepts we have worked hard to include in this resolution.

There is one final point I want to make this evening. Some have said if we pass this resolution, we show that America is somehow divided and not supportive of our troops. Nothing could be further from the truth. The fact is every Member of this body is united in support of our troops. Every Member of this body wishes General Petraeus all the best and hopes he will succeed in this very difficult mission. But the fact is, Americans are deeply divided over the strategy we should pursue in Iraq. It is part of the health of our American democracy that we debate these issues, and we do so because we care about the brave men and women in uniform who are representing us in Iraq, who are on the front lines, who are sacrificing so much. That is exactly the motivation for the resolution that the 10 of us are introducing tonight.

Let me close my remarks by again saying it has been a wonderful experience to work so closely with the senior Senator from Virginia and the Senator from Nebraska, Mr. BEN NELSON. Both of them have worked so hard. They care so much about this issue. It has been a great pleasure to join with them.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleagues, the Senator from Nebraska and Senator COLLINS. It is important that we have taken this initiative because a number of colleagues—10 now—wish to be recognized. But believe me, there are 10 more and 10 more who will soon come forward, hopefully, and support this resolution. I also want to stress, as both of my colleagues did, I hope as this debate progresses, it will not be a question of who is the most patriotic, who is the strongest supporter of the American troops. I pride myself with having had a relationship with the Armed Forces of the United States, modest though it may be, since late 1944–1945. I had the privilege of working and learning. I often feel the Armed Forces did far more for me than I have done for them. In my years, now 29 years, here in the Senate on the Armed Services Committee, I have done everything I could to repay the Armed Forces for what they did for this humble person, to provide for them in a way that meets the sincerity of their commitments and that of their families.

So it is not a question of who is the most patriotic or a question of who is trying to be confrontational with the President. These are heartfelt, closely held views we have about one of the most serious episodes in contemporary American history. I think the President has shown a measure of courage in this matter. But as has been acknowledged, we have made mistakes. And what we have tried to do is conscientiously say how we feel about the immediate future.

I asked for a change in strategy, I guess it was October, when I came back and said the situation, as I saw it, in Iraq was going sideways. That has been done. This is a change in strategy. I acknowledge that. We were invited by the President to make suggestions. We have done that in a courteous, respectful manner. I thank my colleagues.

I stress also the need for bipartisanship. I am not certain anyone can predict how this debate will go and what the outcome will be or how many resolutions come forward. I think it should be a healthy, strong debate and one in which the American public, which is

very much attuned to this situation and has strong views of its own—and we should respect those views—I hope that what debate and actions follow, whatever they may be by this Chamber on such final resolutions that may be voted on, earn the respect and the trust and the confidence not only of the Armed Forces but of the American public. Because we can only be successful in this operation to save the Government of Iraq, whether it is this one or a successor one, to save the people of Iraq so they can exercise sovereignty if there is strong public support and a strong and accurate bipartisan level of participation by the Congress of the United States. To have a vote all on one side and a vote all on the other side will not help this very situation at this time.

So one of the main goals—and we have achieved it—is bipartisanship, truly.

I thank my colleagues. I yield the floor. And I wish to, in so yielding, thank the distinguished Senator from Colorado for joining us in this matter.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me first say I am pleased and honored to be here with Senator WARNER and Senator COLLINS and Senator NELSON. It was about a year or so ago that Senator LEVIN and Senator WARNER led a CODEL of Senators into Iraq and Afghanistan. I had the great fortune of traveling with both Senator WARNER and Senator LEVIN on that CODEL. I learned a tremendous amount from them in terms of what it is they had seen in Iraq and Afghanistan, the observations they made about where we were on the levels of violence in Iraq. I came away from that CODEL with them feeling as if they truly had the best interests of America at heart. As they have sponsored these resolutions today, what they are acting out here is in the best fashion of what a Senator should do, and that is trying to do the best for our country.

Let me say, first of all, with respect to the resolution that was heard earlier today in the Foreign Relations Committee, sponsored by Senator LEVIN and Senator BIDEN and Senator HAGEL, I very much appreciate their leadership and thinking and the passion they brought to the debate and to this issue.

When I sat down and compared the resolution considered in the Foreign Relations Committee to the resolution that is now being introduced by Senator WARNER and other colleagues, I thought there were a great number of similarities between the two resolutions.

Let me just comment about my own involvement and give part of my rationale for becoming an original sponsor of this resolution. First and foremost, I think what this country needs today more than anything else is a sense of unity. I think we have had a great deal of divisiveness in this country over the last 6 years. I think in the long run, when one looks 10, 20, 30, 40 years down the road at these very difficult times that are very challenging to our country—very challenging to our men and women in uniform and the other men and women of America—we will be judged as to whether we in this Congress were able to unify a direction in Iraq that ultimately was a successful direction in Iraq.

I have called for a new direction in Iraq because I believe we need that to get us to success there. I don't believe we can get to success in Iraq if we have a divided country in terms of how we move forward.

With respect to the resolution that is before us, in my own conversations with the President and with members of his administration in the past, I have told them that, in my view, with all due respect to our Commander in Chief, we need to move forward in a new direction.

When I returned from Iraq and Afghanistan with the Levin-Warner codel, one of the things I told the President we needed to do was to enhance our diplomatic efforts in the region; that the countries in the area have as much, if not more, at stake than the United States. I saw them doing very little.

Today, I see Saudi Arabia, with all its wealth, doing very little to help in the reconstruction of Iraq. The same thing could be said about Kuwait and many of the neighboring countries. That effort has to be enhanced because they simply, in my judgment, are not doing their part to contribute to a successful outcome in that region.

I have also spoken to the President and members of his administration about the importance of the effort of reconstruction and making sure that there are other countries besides the United States putting their shoulder to the wheel on the reconstruction efforts that are underway in Iraq.

The way I see this debate unfolding is that we essentially have the plan of the President, which I call plan A. His plan is that we do a lot of what we have been doing but, in addition, that we move forward and add an additional 21,500 troops to the war effort in Iraq. That would be what I call plan A. There is another plan out there, plan B, from some Members of Congress and others that say we ought to bring our troops home and bring our troops home right away; that we ought to engage in an immediate withdrawal from Iraq and from that region. My own view of that plan, plan B, is that is not a good plan either. At the end of the day, no matter what criticisms we make about the original decision to invade Iraq, about the way the war has been mishandled, the fact is we are in Iraq today; there is a mess in Iraq and in the Middle East. So the question for me becomes: How do we as the United States of America, working in the Senate, working in the House of Representatives, working with the President, how do we put Humpty-Dumpty together again? It seems to me that Humpty-Dumpty has fallen off the wall, and it is up to us to try to figure out, in some united way, under difficult circumstances, how to move forward together to create the unity that will allow us to succeed in Iraq.

When I look at the possibility of plan B, which is a precipitous withdrawal from Iraq, it seems to me that will create tremendous dangers not only to the Middle East but to the long-term interests of the United States. I, for one, want us very much to succeed in Iraq and, because I want to succeed, I want to see whether we can create a kind of unity on how we move forward.

I think this resolution introduced by the senior Senator from Virginia, the Senator from Nebraska, and the Senator from Maine is a good direction for us to go in. I want to point out what I consider to be four central points of this resolution which, in my view, are also reflected in the Biden-Levin-Hagel resolution. The first of those points is that there is a disagreement with the President's decision to move forward with a surge of 21,500 more troops. I think both resolutions say that equally and clearly. Why, in this resolution, is that conclusion reached? Why was it reached in the other resolution heard in the Foreign Relations Committee?

In my view, it is because of what our military commanders have said. General Abizaid said it a few weeks ago, in November. He said an increase in troops was not the way to go because it sends the wrong signal about the ultimate responsibility to quell the sectarian violence in Iraq. It is not the right way to go because when you look at what happened with the surges we have had over the last 6, 7 months in Iraq, they themselves did not work. When operations going forward started in June, there was a sense that it might quell some of the sectarian violence going on. It didn't work. We came back in August and did another operation going forward. It did not work.

The Iraq bipartisan study commission, chaired by former Secretary Baker and Lee Hamilton, found, in fact, that those surges created an escalation of violence by 43 percent during that time period. In a matter of 6 months we saw a 43-percent escalation of violence there. Regarding putting more troops in, it seems we have the laboratory of experience where it hasn't worked in the past, and there is nothing I have seen that indicates that moving forward in that direction will work at this time. I agree with the resolution and making a statement that we disagree with the President's decision moving forward in that regard.

As to the second part of this resolution, also reflected in the alternative resolution in the Foreign Relations Committee, I think there is unanimity of opinion. I bet you that we can get 100 Senators to vote for the position that the Iraqi Government needs to assume responsibility for a functioning government that will provide security

to the Iraqi nation and to the people of Iraq.

When Senator WARNER and I visited Iraq with Senator LEVIN, I still remember meeting with the Iraqi Ministers and with our own forces responsible for helping with the training of the Iraqi police. Mr. President, 2006 was supposed to be the year of the police in Iraq. This is the year where the Iraqi security was supposed to be taken to the point where they could move forward and assume the responsibility for their own security. Yet that handoff hasn't occurred and the sectarian violence has continued to increase.

I very much agree with the spirit of both resolutions that says if we are going to move forward and be successful on this issue, it is the Iraqi Government and people who need to move forward and assume responsibility for their security.

The third thing in this resolution that I think is important is that we contemplate that there is going to be some continuing involvement of the United States in Iraq, without limitation. Nobody knows for how long. But our efforts to engage in counterterrorism in that area will be a continuing and important role of the United States of America. Our efforts to attempt to restore the territorial integrity of Iraq and to stop the weapons flowing into Iraq from Iran and Syria are important measures that I believe the U.S. military can address. I agree with those aspects of the resolution as well.

Finally, as I said earlier in my comments, at the end of the day, this is not a United States of America problem alone. When one looks at the Gulf States and other countries in that area, such as Egypt, there is a huge problem that belongs to them as well. We have our hands on the tar baby as the United States of America. They, too, as countries have a huge stake in the success of Iraq and also have to get their hands on the tar baby. I believe the resolution put forward by Senator LEVIN and my other colleagues is a step in the right direction in that it creates a framework for how we ought to be moving forward in Iraq.

In conclusion, again, I say how much I respect the senior Senator from Virginia. I remember well the work that we did just a year or so ago in the so-called Gang of 14. I see that Senator NELSON and Senator COLLINS and Senator WARNER are back again trying to pull the Members of this body together on what is a very contentious issue. I wish them well, and I am delighted to be part of the effort.

I yield the floor.

Mr. WARNER. Mr. President, I wish to thank our colleague from Colorado and pick up on the theme that he closed and talked on earlier—unity.

Yes, there is great unity among the American people and a depth of concern about the loss of our forces and the wounding and suffering of the families. We have not lost our resolve. Our President has been firm. But this institution, the great Congress of the United States, a coequal branch of the Government, now must rise and show our commitment to fulfill the wishes and hopes and prayers of the American people, and do so in a bipartisan manner. That is the very heart of the effort of our 10 colleagues who thus far have come forward and put their names into the public domain as supporting the provisions of this resolution.

They do resemble, in many respects, the provisions in the Biden-Levin-Hagel resolution. When that first came out, so much of the rhetoric surrounding that resolution was disturbing to many people. That gave rise to the efforts that we have put forth, culminating in placing this document into the RECORD tonight.

I hope others will consider joining us because it is important to show unity and bipartisanship in the Congress in saying that we, in fact, understand the hopes, wishes, and prayers of the American people and the Armed Forces of the United States.

I thank my colleague and yield the floor.

AMENDMENTS SUBMITTED AND PROPOSED

SA 176. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 152 submitted by Mr. ENSIGN (for himself and Mr. INHOFE) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table.

SA 177. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 153 submitted by Mr. ENSIGN (for himself, Mr. SESSIONS, Mr. CRAIG, Mrs. DOLE, Mr. THOMAS, Mr. CORNYN, Mr. INHOFE, Mr. ISAKSON, and Mr. COLEMAN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 178. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 154 submitted by Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, and Mr. COBURN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 179. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 180. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 143 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 181. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 144 submitted by Mr. SESSIONS and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 182. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 183. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 184. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. VOINOVICH, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 185. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 118 submitted by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 186. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 187. Mr. KERRY (for himself, Ms. SNOWE, Mr. SUNUNU, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 112 submitted by Mr. SUNUNU to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra.

SA 188. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 189. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 141 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 190. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 142 submitted by Mr. SESSIONS and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 191. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 192. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 193. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 194. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 195. Mr. BURR (for himself, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 196. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 197. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 198. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, supra; which was ordered to lie on the table.

SA 199. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 716. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 152 submitted by Mr. ENSIGN (for himself and Mr. INHOFE) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike after the first word, and insert the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

''(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Fair Minimum Wage Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date that is one day after the date of enactment of the Fair Minimum Wage Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

SA 177. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 153 submitted by Mr. ENSIGN (for himself, Mr. SESSIONS, Mr. CRAIG, Mrs. DOLE, Mr. THOMAS Mr. CORNYN, Mr. INHOFE, Mr. ISAKSON, and Mr. COLEMAN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike after the first word and insert the following:

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

''(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

''(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

''(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

''(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

''(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

''(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

''(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

''(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

''(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

''(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

''(B) contains recommendations for adjusting the methods used to make the estimates.

''(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

''(g) GAO EVALUATION AND REPORT.—

''(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

''(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

''(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

''(C) such recommendations as the Comptroller General determines appropriate.

''(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

''(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain

the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after December 31, 2006.

SA 178. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 154 submitted by Mr. ENSIGN (for himself, Mr. DEMINT, Mr. GRAHAM, and Mr. COBURN) to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike after the first word and insert the following:

SEC. ___. NON-GROUP HIGH DEDUCTIBLE HEALTH PLAN PREMIUMS OPTIONS.

(a) IN GENERAL.—Section 223(d)(2)(C) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) a high deductible health plan, other than a group health plan (as defined in section 5000(b)(1)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning on January 1, 2008.

SA 179. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—SMALL BUSINESS HEALTH COVERAGE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Small Business Health Improvement Act of 2007''.

SEC. 302. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

''SEC. 801. ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

''(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

''(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

''(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

''SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

''(b) STANDARDS.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

''(c) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

''(d) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

''(e) CLASS CERTIFICATION FOR FULLY INSURED PLANS.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

''(f) CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

''(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Improvement Act of 2007,

''(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

''(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; foodservice establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

''SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

''(a) SPONSOR.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

''(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

''(1) FISCAL CONTROL.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

''(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

''(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

''(A) BOARD MEMBERSHIP.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

''(ii) LIMITATION.—

''(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

''(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

''(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

''(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Improvement Act of 2007.

''(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

''(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

''(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

''(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

''SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor,

''(B) the sponsor, or

''(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

''(B) the beneficiaries of individuals described in subparagraph (A).

''(b) COVERAGE OF PREVIOUSLY UNINSURED EMPLOYEES.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Improvement Act of 2007, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

''(1) the affiliated member was an affiliated member on the date of certification under this part; or

''(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its employees who would otherwise be eligible to participate in such association health plan.

''(c) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

''(d) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to an association health plan if—

''(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

''(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

''(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

''SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

''(1) CONTENTS OF GOVERNING INSTRUMENTS.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

''(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

''(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

''(C) incorporates the requirements of section 806.

''(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

''(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

''(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

''(i) setting contribution rates based on the claims experience of the plan; or

''(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act),

subject to the requirements of section 702(b) relating to contribution rates.

''(3) FLOOR FOR NUMBER OF COVERED INDIVIDUALS WITH RESPECT TO CERTAIN PLANS.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

''(4) MARKETING REQUIREMENTS.—

''(A) IN GENERAL.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

''(B) STATE-LICENSED INSURANCE AGENTS.—For purposes of subparagraph (A), the term 'State-licensed insurance agents' means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

''(5) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

''(b) ABILITY OF ASSOCIATION HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

''SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if—

''(1) the benefits under the plan consist solely of health insurance coverage; or

''(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

''(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

''(i) a reserve sufficient for unearned contributions;

''(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

''(iii) a reserve sufficient for any other obligations of the plan; and

''(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

''(B) establishes and maintains aggregate and specific excess/stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

''(i) The plan shall secure aggregate excess/stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(ii) The plan shall secure specific excess/stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified

actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) of subparagraph (B) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess/stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

''(b) MINIMUM SURPLUS IN ADDITION TO CLAIMS RESERVES.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

''(1) $500,000, or

''(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess/stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

''(c) ADDITIONAL REQUIREMENTS.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess/stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

''(d) ADJUSTMENTS FOR EXCESS/STOP LOSS INSURANCE.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess/stop loss insurance provided with respect to such plan or plans.

''(e) ALTERNATIVE MEANS OF COMPLIANCE.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

''(f) MEASURES TO ENSURE CONTINUED PAYMENT OF BENEFITS BY CERTAIN PLANS IN DISTRESS.—

''(1) PAYMENTS BY CERTAIN PLANS TO ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

''(B) PENALTIES FOR FAILURE TO MAKE PAYMENTS.—If any payment is not made by a plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

''(C) CONTINUED DUTY OF THE SECRETARY.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

''(2) PAYMENTS BY SECRETARY TO CONTINUE EXCESS/STOP LOSS INSURANCE COVERAGE AND INDEMNIFICATION INSURANCE COVERAGE FOR CERTAIN PLANS.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess/stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

''(3) ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—There is established on the books of the Treasury a fund to be known as the 'Association Health Plan Fund'. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

''(B) INVESTMENT.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

''(g) EXCESS/STOP LOSS INSURANCE.—For purposes of this section—

''(1) AGGREGATE EXCESS/STOP LOSS INSURANCE.—The term 'aggregate excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(2) SPECIFIC EXCESS/STOP LOSS INSURANCE.—The term 'specific excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(h) INDEMNIFICATION INSURANCE.—For purposes of this section, the term 'indemnification insurance' means, in connection with an association health plan, a contract—

''(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

''(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

''(3) which allows for payment of premiums by any third party on behalf of the insured plan.

''(i) RESERVES.—For purposes of this section, the term 'reserves' means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

''(j) SOLVENCY STANDARDS WORKING GROUP.—

''(1) IN GENERAL.—Within 90 days after the date of the enactment of the Small Business Health Improvement Act of 2007, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

''(2) MEMBERSHIP.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

''(A) a representative of the National Association of Insurance Commissioners;

''(B) a representative of the American Academy of Actuaries;

''(C) a representative of the State governments, or their interests;

''(D) a representative of existing self-insured arrangements, or their interests;

''(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

''(F) a representative of multiemployer plans that are group health plans, or their interests.

"SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

''(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be

available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

''(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(1) IDENTIFYING INFORMATION.—The names and addresses of—

''(A) the sponsor; and

''(B) the members of the board of trustees of the plan.

''(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

''(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

''(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

''(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan and contract administrators and other service providers.

''(6) FUNDING REPORT.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

''(A) RESERVES.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

''(B) ADEQUACY OF CONTRIBUTION RATES.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

''(C) CURRENT AND PROJECTED VALUE OF ASSETS AND LIABILITIES.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

''(D) COSTS OF COVERAGE TO BE CHARGED AND OTHER EXPENSES.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

''(E) OTHER INFORMATION.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

''(d) NOTICE OF MATERIAL CHANGES.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

''(e) REPORTING REQUIREMENTS FOR CERTAIN ASSOCIATION HEALTH PLANS.—An association health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

''(f) ENGAGEMENT OF QUALIFIED ACTUARY.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

''(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

''(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

"SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

''Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

''(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

''(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

''(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

''(a) ACTIONS TO AVOID DEPLETION OF RESERVES.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

''(b) MANDATORY TERMINATION.—In any case in which—

''(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess/stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

''(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

"SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) APPOINTMENT OF SECRETARY AS TRUSTEE FOR INSOLVENT PLANS.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially

hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

''(b) POWERS AS TRUSTEE.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

''(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

''(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

''(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed by the Secretary, and applicable provisions of law;

''(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

''(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

''(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

''(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

''(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

''(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

''(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

''(c) NOTICE OF APPOINTMENT.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

''(1) the sponsor and plan administrator;

''(2) each participant;

''(3) each participating employer; and

''(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

''(d) ADDITIONAL DUTIES.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

''(e) OTHER PROCEEDINGS.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

''(f) JURISDICTION OF COURT.—

''(1) IN GENERAL.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against property of the plan or the sponsor or any other suit against the plan or the sponsor.

''(2) VENUE.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

''(g) PERSONNEL.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

"SEC. 811. STATE ASSESSMENT AUTHORITY.

''(a) IN GENERAL.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Improvement Act of 2007.

''(b) CONTRIBUTION TAX.—For purposes of this section, the term 'contribution tax' imposed by a State on an association health plan means any tax imposed by such State if—

''(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

''(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

''(3) such tax is otherwise nondiscriminatory; and

''(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess/stop loss insurance (as defined in section 806(g)(1)), specific excess/stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

"SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

''(a) DEFINITIONS.—For purposes of this part—

''(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

''(2) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

''(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

''(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

''(5) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

''(6) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning provided in section 733(d)(2).

''(7) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(9) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(10) QUALIFIED ACTUARY.—The term 'qualified actuary' means an individual who is a member of the American Academy of Actuaries.

''(11) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

''(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

''(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Improvement Act of 2007, a person eligible to be a member of the sponsor or one of its member associations.

''(12) LARGE EMPLOYER.—The term 'large employer' means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

''(13) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

''(b) RULES OF CONSTRUCTION.—

''(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

''(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

''(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

''(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.''.

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

''(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.''.

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (d)'';

(B) in subsection (b)(5), by striking ''subsection (a)'' in subparagraph (A) and inserting ''subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805'', and by striking ''subsection (a)'' in subparagraph (B) and inserting ''subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805'';

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

''(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

''(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

''(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

''(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

''(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

''(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

''(B) relating to prompt payment of claims.

''(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

''(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.''.

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking ''and'' at the end;

(B) in clause (ii), by inserting ''and which does not provide medical care (within the meaning of section 733(a)(2)),'' after ''arrangement,'', and by striking ''title.'' and inserting ''title, and''; and

(C) by adding at the end the following new clause:

''(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.''.

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking ''Nothing'' and inserting ''(1) Except as provided in paragraph (2), nothing''; and

(B) by adding at the end the following new paragraph:

''(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Improvement Act of 2007 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.''.

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of an association health plan under part 8.''.

(d) DISCLOSURE OF SOLVENCY PROTECTIONS RELATED TO SELF-INSURED AND FULLY INSURED OPTIONS UNDER ASSOCIATION HEALTH PLANS.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: ''An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) REPORT TO THE CONGRESS REGARDING CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—Not later than January 1, 2010, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

''Sec. 801. Association health plans
''Sec. 802. Certification of association health plans
''Sec. 803. Requirements relating to sponsors and boards of trustees
''Sec. 804. Participation and coverage requirements
''Sec. 805. Other requirements relating to plan documents, contribution rates, and benefit options
''Sec. 806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage
''Sec. 807. Requirements for application and related requirements
''Sec. 808. Notice requirements for voluntary termination
''Sec. 809. Corrective actions and mandatory termination
''Sec. 810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage
''Sec. 811. State assessment authority
''Sec. 812. Definitions and rules of construction''.

SEC. 303. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after ''control group,'' the following: ''except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,'';

(2) in clause (iii), by striking ''(iii) the determination'' and inserting the following:

''(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined

under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

''(II) in any other case, the determination'';

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

''(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement,''.

SEC. 304. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) CRIMINAL PENALTIES FOR CERTAIN WILLFUL MISREPRESENTATIONS.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting ''(a)'' after ''Sec. 501.''; and

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

''(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

''(1) being an association health plan which has been certified under part 8;

''(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

''(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.''.

(b) CEASE ACTIVITIES ORDERS.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ASSOCIATION HEALTH PLAN CEASE AND DESIST ORDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

''(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

''(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

''(2) EXCEPTION.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

''(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

''(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

''(3) ADDITIONAL EQUITABLE RELIEF.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.''.

(c) RESPONSIBILITY FOR CLAIMS PROCEDURE.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting ''(a) IN GENERAL.—'' before ''In accordance'', and by adding at the end the following new subsection:

''(b) ASSOCIATION HEALTH PLANS.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.''.

SEC. 305. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

''(d) CONSULTATION WITH STATES WITH RESPECT TO ASSOCIATION HEALTH PLANS.—

''(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

''(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

''(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

''(2) RECOGNITION OF PRIMARY DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State with which consultation is required. In carrying out this paragraph—

''(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

''(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.''.

SEC. 306. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect one year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this title within one year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''group health plan'', ''medical care'', and ''participating employer'' shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an ''association health plan'' shall be deemed a reference to an arrangement referred to in this subsection.

SA 180. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 143 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter to be inserted, insert the following:

DIVISION B—IMMIGRATION REFORM

SECTION 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Secure America and Orderly Immigration Act''.

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

DIVISION B—IMMIGRATION REFORM

Sec. 1001. Short title; table of contents.
Sec. 1002. Findings.

TITLE I—BORDER SECURITY

Sec. 1101. Definitions.

Subtitle A—Border Security Strategic Planning
Sec. 1111. National Strategy for Border Security.
Sec. 1112. Reports to Congress.
Sec. 1113. Authorization of appropriations.
Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement
Sec. 1121. Border security coordination plan.
Sec. 1122. Border security advisory committee.
Sec. 1123. Programs on the use of technologies for border security.
Sec. 1124. Combating human smuggling.
Sec. 1125. Savings clause.
Subtitle C—International Border Enforcement
Sec. 1131. North American Security Initiative.
Sec. 1132. Information sharing agreements.
Sec. 1133. Improving the security of Mexico's southern border.
TITLE II—STATE CRIMINAL ALIEN ASSISTANCE
Sec. 1201. State criminal alien assistance program authorization of appropriations.
Sec. 1202. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 1203. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.
TITLE III—ESSENTIAL WORKER VISA PROGRAM
Sec. 1301. Essential workers.
Sec. 1302. Admission of essential workers.
Sec. 1303. Employer obligations.
Sec. 1304. Protection for workers.
Sec. 1305. Market-based numerical limitations.
Sec. 1306. Adjustment to lawful permanent resident status.
Sec. 1307. Essential Worker Visa Program Task Force.
Sec. 1308. Willing worker-willing employer electronic job registry.
Sec. 1309. Authorization of appropriations.
TITLE IV—ENFORCEMENT
Sec. 1401. Document and visa requirements.
Sec. 1402. Employment Eligibility Confirmation System.
Sec. 1403. Improved entry and exit data system.
Sec. 1404. Department of labor investigative authorities.
Sec. 1405. Protection of employment rights.
Sec. 1406. Increased fines for prohibited behavior.
TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS
Sec. 1501. Labor migration facilitation programs.
Sec. 1502. Bilateral efforts with Mexico to reduce migration pressures and costs.
TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION
Sec. 1601. Elimination of existing backlogs.
Sec. 1602. Country limits.
Sec. 1603. Allocation of immigrant visas.
Sec. 1604. Relief for children and widows.
Sec. 1605. Amending the affidavit of support requirements.
Sec. 1606. Discretionary authority.
Sec. 1607. Family unity.
TITLE VII—H–5B NONIMMIGRANTS
Sec. 1701. H–5B nonimmigrants.
Sec. 1702. Adjustment of status for H–5B nonimmigrants.
Sec. 1703. Aliens not subject to direct numerical limitations.
Sec. 1704. Employer protections.
Sec. 1705. Authorization of appropriations.
TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD
Sec. 1801. Right to qualified representation.
Sec. 1802. Protection of witness testimony.
TITLE IX—CIVICS INTEGRATION
Sec. 1901. Funding for the Office of Citizenship.
Sec. 1902. Civics integration grant program.
TITLE X—PROMOTING ACCESS TO HEALTH CARE
Sec. 2001. Federal reimbursement of emergency health services furnished to undocumented aliens.
Sec. 2002. Prohibition against offset of certain medicare and medicaid payments.
Sec. 2003. Prohibition against discrimination against aliens on the basis of employment in hospital-based versus nonhospital-based sites.
Sec. 2004. Binational public health infrastructure and health insurance.
TITLE XI—MISCELLANEOUS
Sec. 2101. Submission to congress of information regarding H–5A nonimmigrants.
Sec. 2102. H–5 nonimmigrant petitioner account.
Sec. 2103. Anti-discrimination protections.
Sec. 2104. Women and children at risk of harm.
Sec. 2105. Expansion of S visa.
Sec. 2106. Volunteers.

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has an obligation to its citizens to secure its borders and ensure the rule of law in its communities.

(2) The Government of the United States must strengthen international border security efforts by dedicating adequate and significant resources for technology, personnel, and training for border region enforcement.

(3) Federal immigration policies must adhere to the United States tradition as a nation of immigrants and reaffirm this Nation's commitment to family unity, economic opportunity, and humane treatment.

(4) Immigrants have contributed significantly to the strength and economic prosperity of the United States and action must be taken to ensure their fair treatment by employers and protection against fraud and abuse.

(5) Current immigration laws and the enforcement of such laws are ineffective and do not serve the people of the United States, the national security interests of the United States, or the economic prosperity of the United States.

(6) The United States cannot effectively carry out its national security policies unless the United States identifies undocumented immigrants and encourages them to come forward and participate legally in the economy of the United States.

(7) Illegal immigration fosters other illegal activity, including human smuggling, trafficking, and document fraud, all of which undermine the national security interests of the United States.

(8) Illegal immigration burdens States and local communities with hundreds of millions of dollars in uncompensated expenses for law enforcement, health care, and other essential services.

(9) Illegal immigration creates an underclass of workers who are vulnerable to fraud and exploitation.

(10) Fixing the broken immigration system requires a comprehensive approach that provides for adequate legal channels for immigration and strong enforcement of immigration laws which will serve the economic, social, and security interests of the United States.

(11) Foreign governments, particularly those that share an international border with the United States, must play a critical role in securing international borders and deterring illegal entry of foreign nationals into the United States.

(12) Federal immigration policy should foster economic growth by allowing willing workers to be matched with willing employers when no United States worker is available to take a job.

(13) Immigration reform is a key component to achieving effective enforcement and will allow for the best use of security and enforcement resources to be focused on the greatest risks.

(14) Comprehensive immigration reform and strong enforcement of immigration laws will encourage legal immigration, deter illegal immigration, and promote the economic and national security interests of the United States.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) INTERNATIONAL BORDER OF THE UNITED STATES.—The term ''international border of the United States'' means the international border between the United States and Canada and the international border between the United States and Mexico, including points of entry along such international borders.

(3) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(4) SECURITY PLAN.—The term ''security plan'' means a security plan developed as part of the National Strategy for Border Security set forth under section 111(a) for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

Subtitle A—Border Security Strategic Planning

SEC. 1111. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) IN GENERAL.—In conjunction with strategic homeland security planning efforts, the Secretary shall develop, implement, and update, as needed, a National Strategy for Border Security that includes a security plan for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

(b) CONTENTS.—The National Strategy for Border Security shall include—

(1) the identification and evaluation of the points of entry and all portions of the international border of the United States that, in the interests of national security and enforcement, must be protected from illegal transit;

(2) a description of the most appropriate, practical, and cost-effective means of defending the international border of the United

States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities within the United States for the Border Patrol and the field offices of the Bureau of Customs and Border Protection that have responsibility for any portion of the international border of the United States;

(3) risk-based priorities for assuring border security and realistic deadlines for addressing security and enforcement needs identified in paragraphs (1) and (2);

(4) a strategic plan that sets out agreed upon roles and missions of Federal, State, regional, local, and tribal authorities, including appropriate coordination among such authorities, to enable security enforcement and border lands management to be carried out in an efficient and effective manner;

(5) a prioritization of research and development objectives to enhance the security of the international border of the United States and enforcement needs to promote such security consistent with the provisions of subtitle B;

(6) an update of the 2001 Port of Entry Infrastructure Assessment Study conducted by the United States Customs Service, in consultation with the General Services Administration;

(7) strategic interior enforcement coordination plans with personnel of Immigration and Customs Enforcement;

(8) strategic enforcement coordination plans with overseas personnel of the Department of Homeland Security and the Department of State to end human smuggling and trafficking activities;

(9) any other infrastructure or security plan or report that the Secretary determines appropriate for inclusion;

(10) the identification of low-risk travelers and how such identification would facilitate cross-border travel; and

(11) ways to ensure that the trade and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.

(c) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security shall be the governing document for Federal security and enforcement efforts related to securing the international border of the United States.

SEC. 1112. REPORTS TO CONGRESS.

(a) NATIONAL STRATEGY.—

(1) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the National Strategy for Border Security, including each security plan, to the appropriate congressional committees. Such plans shall include estimated costs of implementation and training from a fiscal and personnel perspective and a cost-benefit analysis of any technological security implementations.

(2) SUBSEQUENT SUBMISSIONS.—After the submission required under paragraph (1), the Secretary shall submit to the appropriate congressional committees any revisions to the National Strategy for Border Security, including any revisions to a security plan, not less frequently than April 1 of each odd-numbered year. The plan shall include estimated costs for implementation and training and a cost-benefit analysis of technological security implementations that take place during the time frame under evaluation.

(b) PERIODIC PROGRESS REPORTS.—

(1) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Border Security, including each security plan.

(2) CONTENT.—Each progress report submitted under this subsection shall include any recommendations for improving and implementing the National Strategy for Border Security, including any recommendations for improving and implementing a security plan.

(c) CLASSIFIED MATERIAL.—

(1) IN GENERAL.—Any material included in the National Strategy for Border Security, including each security plan, that includes information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees in a classified form.

(2) UNCLASSIFIED VERSION.—As appropriate, an unclassified version of the material described in paragraph (1) shall be provided to the appropriate congressional committees.

SEC. 1113. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle for each of the 5 fiscal years beginning with the fiscal year after the fiscal year in which this Act was enacted.

Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement

SEC. 1121. BORDER SECURITY COORDINATION PLAN.

(a) IN GENERAL.—The Secretary shall coordinate with Federal, State, local, and tribal authorities on law enforcement, emergency response, and security-related responsibilities with regard to the international border of the United States to develop and implement a plan to ensure that the security of such international border is not compromised—

(1) when the jurisdiction for providing such security changes from one such authority to another such authority;

(2) in areas where such jurisdiction is shared by more than one such authority; or

(3) by one such authority relinquishing such jurisdiction to another such authority pursuant to a memorandum of understanding.

(b) ELEMENTS OF PLAN.—In developing the plan, the Secretary shall consider methods to—

(1) coordinate emergency responses;

(2) improve data-sharing, communications, and technology among the appropriate agencies;

(3) promote research and development relating to the activities described in paragraphs (1) and (2); and

(4) combine personnel and resource assets when practicable.

(c) REPORT.—Not later than 1 year after implementing the plan developed under subsection (a), the Secretary shall transmit a report to the appropriate congressional committees on the development and implementation of such plan.

SEC. 1122. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a Border Security Advisory Committee (referred to in this section as the ''Advisory Committee'') to provide advice and recommendations to the Secretary on border security and enforcement issues.

(b) COMPOSITION.—

(1) IN GENERAL.—The members of the Advisory Committee shall be appointed by the Secretary and shall include representatives of—

(A) States that are adjacent to the international border of the United States;

(B) local law enforcement agencies; community officials, and tribal authorities of such States; and

(C) other interested parties.

(2) MEMBERSHIP.—The Advisory Committee shall be comprised of members who represent a broad cross section of perspectives.

SEC. 1123. PROGRAMS ON THE USE OF TECHNOLOGIES FOR BORDER SECURITY.

(a) AERIAL SURVEILLANCE TECHNOLOGIES PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), the Secretary, not later than 60 days after the date of enactment of this Act, shall develop and implement a program to fully integrate aerial surveillance technologies to enhance the border security of the United States.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along the international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the utilization of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near the international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(B) USE OF UNMANNED AERIAL VEHICLES.—The aerial surveillance technologies utilized in the program shall include unmanned aerial vehicles.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of their utilization and until such time the Secretary determines appropriate.

(5) REPORT.—

(A) REQUIREMENT.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report on such program to the appropriate congressional committees.

(B) CONTENT.—The Secretary shall include in the report required by subparagraph (A) a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(b) DEMONSTRATION PROGRAMS.—The Secretary is authorized, as part of the development and implementation of the National Strategy for Border Security, to establish and carry out demonstration programs to strengthen communication, information sharing, technology, security, intelligence benefits, and enforcement activities that will protect the international border of the United States without diminishing international trade and commerce.

SEC. 1124. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 1125. SAVINGS CLAUSE.

Nothing in this subtitle or subtitle A may be construed to provide to any State or local entity any additional authority to enforce Federal immigration laws.

Subtitle C—International Border Enforcement

SEC. 1131. NORTH AMERICAN SECURITY INITIATIVE.

(a) IN GENERAL.—The Secretary of State shall enhance the mutual security and safety of the United States, Canada, and Mexico by providing a framework for better management, communication, and coordination between the Governments of North America.

(b) RESPONSIBILITIES.—In implementing the provisions of this subtitle, the Secretary of State shall carry out all of the activities described in this subtitle.

SEC. 1132. INFORMATION SHARING AGREEMENTS.

The Secretary of State, in coordination with the Secretary of Homeland Security and the Government of Mexico, is authorized to negotiate an agreement with Mexico to—

(1) cooperate in the screening of third-country nationals using Mexico as a transit corridor for entry into the United States; and

(2) provide technical assistance to support stronger immigration control at the border with Mexico.

SEC. 1133. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Canadian Department of Foreign Affairs, and the Government of Mexico, shall establish a program to—

(1) assess the specific needs of the governments of Central American countries in maintaining the security of the borders of such countries;

(2) use the assessment made under paragraph (1) to determine the financial and technical support needed by the governments of Central American countries from Canada, Mexico, and the United States to meet such needs;

(3) provide technical assistance to the governments of Central American countries to secure issuance of passports and travel documents by such countries; and

(4) encourage the governments of Central American countries to—

(A) control alien smuggling and trafficking;

(B) prevent the use and manufacture of fraudulent travel documents; and

(C) share relevant information with Mexico, Canada, and the United States.

(b) IMMIGRATION.—The Secretary of Homeland Security, in consultation with the Secretary of State and appropriate officials of the governments of Central American countries shall provide robust law enforcement assistance to such governments that specifically addresses migratory issues to increase the ability of such governments to dismantle human smuggling organizations and gain tighter control over the border.

(c) BORDER SECURITY BETWEEN MEXICO AND GUATEMALA OR BELIZE.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Government of Mexico, and appropriate officials of the Governments of Guatemala, Belize, and neighboring contiguous countries, shall establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international border between Mexico and Guatemala and between Mexico and Belize.

(d) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Government of Mexico, and appropriate officials of the governments of Central American countries, shall—

(1) assess the direct and indirect impact on the United States and Central America on deporting violent criminal aliens;

(2) establish a program and database to track Central American gang activities, focusing on the identification of returning criminal deportees;

(3) devise an agreed-upon mechanism for notification applied prior to deportation and for support for reintegration of these deportees; and

(4) devise an agreement to share all relevant information with the appropriate agencies of Mexico and other Central American countries.

TITLE II—STATE CRIMINAL ALIEN ASSISTANCE

SEC. 1201. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

''(i) such sums as may be necessary for fiscal year 2005;

''(ii) $750,000,000 for fiscal year 2006;

''(iii) $850,000,000 for fiscal year 2007; and

''(iv) $950,000,000 for each of the fiscal years 2008 through 2011.

''(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 1202. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (c) through (e) and inserting the following:

''(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(d) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).''.

SEC. 1203. REIMBURSEMENT OF STATES FOR PRE-CONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a) is amended by inserting ''charged with or'' before ''convicted.''

TITLE III—ESSENTIAL WORKER VISA PROGRAM

SEC. 1301. ESSENTIAL WORKERS.

Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking ''(H) an alien (i)(b)'' and inserting the following:

''(H) an alien—

''(i)(b)'';

(2) by striking ''or (ii)(a)'' and inserting the following:

''(ii)(a)'';

(3) by striking ''or (iii)'' and inserting the following:

''(iii)''; and

(4) by adding at the end the following:

''(v)(a) subject to section 218A, having residence in a foreign country, which the alien has no intention of abandoning, who is coming temporarily to the United States to initially perform labor or services (other than those occupation classifications covered under the provisions of clause (i)(b) or (ii)(a) or subparagraph (L), (O), (P), or (R)); or.''.

SEC. 1302. ADMISSION OF ESSENTIAL WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

''ADMISSION OF TEMPORARY H–5A WORKERS

''SEC. 218A. (a) The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(H)(v)(a) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered

under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

''(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(v)(a), an alien shall meet the following requirements:

''(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(v).

''(2) EVIDENCE OF EMPLOYMENT.—The alien's evidence of employment shall be provided through the Employment Eligibility Confirmation System established under section 274E or in accordance with requirements issued by the Secretary of State, in consultation with the Secretary of Homeland Security. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

''(3) FEE.—The alien shall pay a $500 application fee to apply for the visa in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

''(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

''(c) GROUNDS OF INADMISSIBILITY.—

''(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(H)(v)(a)—

''(A) paragraphs (5), (6) (except for subparagraph (E)), (7), (9), and (10)(B) of section 212(a) may be waived for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

''(B) the Secretary of Homeland Security may not waive—

''(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

''(ii) section 212(a)(3) (relating to security and related grounds); or

''(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

''(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

''(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

''(2) WAIVER FINE.—An alien who is granted a waiver under subparagraph (1) shall pay a $1,500 fine upon approval of the alien's visa application.

''(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who initially seeks admission as a nonimmigrant under section 101(a)(15)(H)(v)(a).

''(4) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(H)(v)(a) shall establish that the alien is not inadmissible under section 212(a).

''(d) PERIOD OF AUTHORIZED ADMISSION.—

''(1) INITIAL PERIOD.—The initial period of authorized admission as a nonimmigrant described in section 101(a)(15)(H)(v)(a) shall be 3 years.

''(2) RENEWALS.—The alien may seek an extension of the period described in paragraph (1) for 1 additional 3-year period.

''(3) LOSS OF EMPLOYMENT.—

''(A) IN GENERAL.—Subject to subsection (c), the period of authorized admission of a nonimmigrant alien under section 101(a)(15)(H)(v)(a) shall terminate if the nonimmigrant is unemployed for 45 or more consecutive days.

''(B) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to return to the country of the alien's nationality or last residence.

''(C) PERIOD OF VISA VALIDITY.—Any alien, whose period of authorized admission terminates under subparagraph (A), who returns to the country of the alien's nationality or last residence under subparagraph (B), may reenter the United States on the basis of the same visa to work for an employer, if the alien has complied with the requirements of subsection (b)(1).

''(4) VISITS OUTSIDE UNITED STATES.—

''(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(H)(v)(a)—

''(i) may travel outside of the United States; and

''(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

''(e) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a), may accept new employment with a subsequent employer.

''(f) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act.

''(g) CHANGE OF ADDRESS.—An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall comply by either electronic or paper notification with the change of address reporting requirements under section 265.

''(h) BAR TO FUTURE VISAS FOR VIOLATIONS.—

''(1) IN GENERAL.—Any alien having the nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall not be eligible to renew such nonimmigrant status if the alien willfully violates any material term or condition of such status.

''(2) WAIVER.—The alien may apply for a waiver of the application of subparagraph (A) for technical violations, inadvertent errors, or violations for which the alien was not at fault.

''(i) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(w).''.

(b) CONFORMING AMENDMENT REGARDING PRESUMPTION OF NONIMMIGRANT STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting ''(H)(v)(a),'' after ''(H)(i),''.

(c) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

''Sec. 218A. Admission of temporary H–5A workers.''.

SEC. 1303. EMPLOYER OBLIGATIONS.

Employers employing a nonimmigrant described in section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by section 1301, shall comply with all applicable Federal, State, and local laws, including—

(1) laws affecting migrant and seasonal agricultural workers; and

(2) the requirements under section 274E of such Act, as added by section 1402.

SEC. 1304. PROTECTION FOR WORKERS.

Section 218A of the Immigration and Nationality Act, as added by section 1302, is amended by adding at the end the following:

''(h) APPLICATION OF LABOR AND OTHER LAWS.—

''(1) DEFINITIONS.—As used in this subsection and in subsections (i) through (k):

''(A) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

''(B) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

''(C) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(v)(a).

''(2) COVERAGE.—Notwithstanding any other provision of law—

''(A) a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) is prohibited from being treated as an independent contractor; and

''(B) no person may treat a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as an independent contractor.

''(3) APPLICABILITY OF LAWS.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

''(4) TAX RESPONSIBILITIES.—With respect to each employed nonimmigrant alien described in section 101(a)(15)(H)(v)(a), an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

''(5) NONDISCRIMINATION IN EMPLOYMENT.—An employer shall provide nonimmigrants issued a visa under this section with the same wages, benefits, and working conditions that are provided by the employer to United States workers similarly employed in the same occupation and the same place of employment.

''(6) NO REPLACEMENT OF STRIKING EMPLOYEES.—An employer may not hire a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as a replacement worker if there is a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment.

''(7) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act. Nothing under this provision shall be construed to affect the interpretation of other laws.

''(8) NO THREATENING OF EMPLOYEES.—It shall be a violation of this section for an employer who has filed a petition under section

203(b) to threaten the alien beneficiary of such a petition with withdrawal of the application, or to withdraw such a petition in retaliation for the beneficiary's exercise of a right protected by the Secure America and Orderly Immigration Act.

''(9) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

''(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of Secure America and Orderly Immigration Act.

''(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of the Secure America and Orderly Immigration Act.

''(i) LABOR RECRUITERS.—

''(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose to each such worker who is recruited for employment the following information at the time of the worker's recruitment:

''(A) The place of employment.

''(B) The compensation for the employment.

''(C) A description of employment activities.

''(D) The period of employment.

''(E) Any other employee benefit to be provided and any costs to be charged for each benefit.

''(F) Any travel or transportation expenses to be assessed.

''(G) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

''(H) The existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers.

''(I) The extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work related injuries and death, during the period of employment and, if so, the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

''(J) Any education or training to be provided or required, including the nature and cost of such training, who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

''(K) A statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

''(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

''(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Department of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

''(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

''(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

''(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

''(7) OTHER WORKER PROTECTIONS.—

''(A) NOTIFICATION.—Every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for or on behalf of the employer.

''(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

''(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

''(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed. Such process shall include requirements under paragraphs (1), (4), and (5) of section 1812 of title 29, United States Code, an expeditious means to update registrations and renew certificates and any other requirements the Secretary may prescribe.

''(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

''(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph. The justification for such refusal, suspension, or revocation may include the following:

''(I) The application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate.

''(II) The applicant for or holder of the certification is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify for a certificate under this paragraph.

''(III) The applicant for or holder of the certification has failed to comply with the Secure America and Orderly Immigration Act.

''(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (j) and (k). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (j) and (k). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under this subsections (j) and (k).

''(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor any time the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

''(E) WRITTEN AGREEMENTS.—No foreign labor contractor shall violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

''(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor under this subsection to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

''(j) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary of Labor shall prescribe regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

''(2) DEFINITION.—As used in this subsection, an 'aggrieved person' is a person adversely affected by the alleged violation, including—

''(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

''(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

''(3) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

''(4) REASONABLE CAUSE.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

''(5) NOTICE AND HEARING.—

''(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

''(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

''(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (6).

''(6) ATTORNEYS' FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

''(7) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

''(A) to seek remedial action, including injunctive relief;

''(B) to recover the damages described in subsection (k); or

''(C) to ensure compliance with terms and conditions described in subsection (i).

''(8) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United

States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

''(9) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

''(k) PENALTIES.—

''(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (h) or (i), the Secretary may impose administrative remedies and penalties, including—

''(A) back wages;

''(B) fringe benefits; and

''(C) civil monetary penalties.

''(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

''(A) for a violation of subsection (h)—

''(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

''(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

''(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

''(B) for a violation of subsection (i)—

''(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

''(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

''(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

''(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

''(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (i) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined not more than $35,000 fine, or both.''.

SEC. 1305. MARKET-BASED NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)'';

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

(C) by adding at the end the following:

''(C) under section 101(a)(15)(H)(v)(a), may not exceed—

''(i) 400,000 for the first fiscal year in which the program is implemented;

''(ii) in any subsequent fiscal year—

''(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

''(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

''(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

''(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

''(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.''; and

(2) by adding at the end the following:

''(9)(A) Of the total number of visas allocated for each fiscal year under paragraph (1)(C)—

''(i) 50,000 visas shall be allocated to qualifying counties; and

''(ii) any of the visas allocated under clause (i) that are not issued by June 30 of such fiscal year, may be made available to any qualified applicant.

''(B) In this paragraph, the term 'qualifying county' means any county that—

''(i) that is outside a metropolitan statistical area; and

''(ii) during the 20-year-period ending on the last day of the calendar year preceding the date of enactment of the Secure America and Orderly Immigration Act, experienced a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

''(10) In allocating visas under this subsection, the Secretary of State may take any additional measures necessary to deter illegal immigration.''.

SEC. 1306. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) upon the filing of a petition for such a visa—

''(A) by the alien's employer; or

''(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

''(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) may not apply for adjustment of status under this section unless the alien—

''(A) is physically present in the United States; and

''(B) the alien establishes that the alien—

''(i) meets the requirements of section 312; or

''(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

''(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

''(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(v)(a).

''(5) The limitation under section 302(d) regarding the period of authorized stay shall not apply to any alien having nonimmigrant status under section 101(a)(15)(H)(v)(a) if—

''(A) a labor certification petition filed under section 203(b) on behalf of such alien is pending; or

''(B) an immigrant visa petition filed under section 204(b) on behalf of such alien is pending.

''(6) The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under paragraph (5) in 1-year increments until a final decision is made on the alien's lawful permanent residence.

''(7) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) from filing an application for adjustment of status under this section in accordance with any other provision of law.''.

SEC. 1307. ESSENTIAL WORKER VISA PROGRAM TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Essential Worker Visa Program Task Force (referred to in this section as the ''Task Force'').

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the Essential Worker Visa Program (referred to in this section as the ''Program'') established under this title; and

(B) to make recommendations to Congress with respect to such program.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the Democratic Party in the Senate, in consultation with the leader of the Democratic Party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia;

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the Program has been implemented.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be

filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(b) DUTIES.—The Task Force shall examine and make recommendations regarding the Program, including recommendations regarding—

(1) the development and implementation of the Program;

(2) the criteria for the admission of temporary workers under the Program;

(3) the formula for determining the yearly numerical limitations of the Program;

(4) the impact of the Program on immigration;

(5) the impact of the Program on the United States workforce and United States businesses; and

(6) any other matters regarding the Program that the Task Force considers appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Task Force may seek directly from any Federal department or agency such information, including suggestions, estimates, and statistics, as the Task Force considers necessary to carry out the provisions of this section. Upon request of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable base, provide the Task Force with administrative support and other services for the performance of the Task Force's functions. The departments and agencies of the United States may provide the Task Force with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the Program has been implemented, the Task Force shall submit a report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains—

(A) findings with respect to the duties of the Task Force;

(B) recommendations for improving the Program; and

(C) suggestions for legislative or administrative action to implement the Task Force recommendations.

(2) FINAL REPORT.—Not later than 4 years after the submission of the initial report under paragraph (1), the Task Force shall submit a final report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains additional findings, recommendations, and suggestions, as described in paragraph (1).

SEC. 1308. WILLING WORKER-WILLING EMPLOYER ELECTRONIC JOB REGISTRY.

(a) ESTABLISHMENT.—The Secretary of Labor shall direct the coordination and modification of the national system of public labor exchange services (commonly known as ''America's Job Bank'') in existence on the date of enactment of this Act to provide information on essential worker employment opportunities available to United States workers and nonimmigrant workers under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by this Act.

(b) RECRUITMENT OF UNITED STATES WORKERS.—Before the completion of evidence of employment for a potential nonimmigrant worker under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a), an employer shall attest that the employer has posted in the Job Registry for not less than 30 days in order to recruit United States workers. An employer shall maintain records for not less than 1 year demonstrating why United States workers who applied were not hired.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall maintain electronic job registry records, as established by regulation, for the purpose of audit or investigation.

(d) ACCESS TO JOB REGISTRY.—

(1) CIRCULATION IN INTERSTATE EMPLOYMENT SERVICE SYSTEM.—The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this section are accessible by the State workforce agencies, which may further disseminate job opportunity information to other interested parties.

(2) INTERNET.—The Secretary of Labor shall ensure that the Internet-based electronic job registry established or approved under this section may be accessed by workers, employers, labor organizations, and other interested parties.

SEC. 1309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this title and the amendments made by this title for the period beginning on the date of enactment of this Act and ending on the last day of the sixth fiscal year beginning after the effective date of the regulations promulgated by the Secretary to implement this title.

TITLE IV—ENFORCEMENT

SEC. 1401. DOCUMENT AND VISA REQUIREMENTS.

(a) IN GENERAL.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

''(3) VISAS AND IMMIGRATION RELATED DOCUMENT REQUIREMENTS.—

''(A) Visas issued by the Secretary of State and immigration related documents issued by the Secretary of State or the Secretary of Homeland Security shall comply with authentication and biometric standards recognized by domestic and international standards organizations.

''(B) Such visas and documents shall—

''(i) be machine-readable and tamper-resistant;

''(ii) use biometric identifiers that are consistent with the requirements of section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732), and represent the benefits and status set forth in such section;

''(iii) comply with the biometric and document identifying standards established by the International Civil Aviation Organization; and

''(iv) be compatible with the United States Visitor and Immigrant Status Indicator Technology and the employment verification system established under section 274E.

''(C) The information contained on the visas or immigration related documents described in subparagraph (B) shall include—

''(i) the alien's name, date and place of birth, alien registration or visa number, and, if applicable, social security number;

''(ii) the alien's citizenship and immigration status in the United States; and

''(iii) the date that such alien's authorization to work in the United States expires, if appropriate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of enactment of this Act.

SEC. 1402. EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

''EMPLOYMENT ELIGIBILITY

''SEC. 274E. (a) EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

''(1) IN GENERAL.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish an Employment Eligibility Confirmation System (referred to in this section as the 'System') through which the Commissioner responds to inquiries made by employers who have hired individuals concerning each individual's identity and employment authorization.

''(2) MAINTENANCE OF RECORDS.—The Commissioner shall electronically maintain records by which compliance under the System may be verified.

''(3) OBJECTIVES OF THE SYSTEM.—The System shall—

''(A) facilitate the eventual transition for all businesses from the employer verification system established in section 274A with the System;

''(B) utilize, as a central feature of the System, machine-readable documents that contain encrypted electronic information to verify employment eligibility; and

''(C) provide for the evidence of employment required under section 218A.

''(4) INITIAL RESPONSE.—The System shall provide—

''(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility not later than 1 working day after the initial inquiry; and

''(B) an appropriate code indicating such confirmation or tentative nonconfirmation.

''(5) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—

''(A) ESTABLISHMENT.—For cases of tentative nonconfirmation, the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish a secondary verification process. The employer shall make the secondary verification inquiry not later than 10 days after receiving a tentative nonconfirmation.

''(B) DISCREPANCIES.—If an employee chooses to contest a secondary nonconfirmation, the employer shall provide the employee with a referral letter and instruct the employee to visit an office of the Department of Homeland Security or the Social Security Administration to resolve the discrepancy not later than 10 working days after the receipt of such referral letter in order to obtain confirmation.

''(C) FAILURE TO CONTEST.—An individual's failure to contest a confirmation shall not constitute knowledge (as defined in section 274a.1(l) of title 8, Code of Federal Regulations.

''(6) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed, implemented, and operated—

''(A) to maximize its reliability and ease of use consistent with protecting the privacy and security of the underlying information through technical and physical safeguards;

''(B) to allow employers to verify that a newly hired individual is authorized to be employed;

''(C) to permit individuals to—

''(i) view their own records in order to ensure the accuracy of such records; and

''(ii) contact the appropriate agency to correct any errors through an expedited process

established by the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security; and

''(D) to prevent discrimination based on national origin or citizenship status under section 274B.

''(7) UNLAWFUL USES OF SYSTEM.—It shall be an unlawful immigration-related employment practice—

''(A) for employers or other third parties to use the System selectively or without authorization;

''(B) to use the System prior to an offer of employment;

''(C) to use the System to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

''(D) to use the System to deny certain employment benefits, otherwise interfere with the labor rights of employees, or any other unlawful employment practice; or

''(E) to take adverse action against any person, including terminating or suspending an employee who has received a tentative nonconfirmation.

''(b) EMPLOYMENT ELIGIBILITY DATABASE.—

''(1) REQUIREMENT.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security and other appropriate agencies, shall design, implement, and maintain an Employment Eligibility Database (referred to in this section as the 'Database') as described in this subsection.

''(2) DATA.—The Database shall include, for each individual who is not a citizen or national of the United States, but is authorized or seeking authorization to be employed in the United States, the individual's—

''(A) country of origin;

''(B) immigration status;

''(C) employment eligibility;

''(D) occupation;

''(E) metropolitan statistical area of employment;

''(F) annual compensation paid;

''(G) period of employment eligibility;

''(H) employment commencement date; and

''(I) employment termination date.

''(3) REVERIFICATION OF EMPLOYMENT ELIGIBILITY.—The Commissioner of Social Security shall prescribe, by regulation, a system to annually reverify the employment eligibility of each individual described in this section—

''(A) by utilizing the machine-readable documents described in section 221(a)(3); or

''(B) if machine-readable documents are not available, by telephonic or electronic communication.

''(4) CONFIDENTIALITY.—

''(A) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than individuals responsible for the verification of employment eligibility or for the evaluation of the employment verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information contained in the Database.

''(B) PROTECTION FROM UNAUTHORIZED DISCLOSURE.—Information in the Database shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to design, implement, and maintain the Database.

''(c) GRADUAL IMPLEMENTATION.—The Commissioner of Social Security, in coordination with the Secretary of Homeland Security and the Secretary of Labor shall develop a plan to phase all workers into the Database and phase out the employer verification system established in section 274A over a period of time that the Commissioner determines to be appropriate.

''(d) EMPLOYER RESPONSIBILITIES.—Each employer shall—

''(1) notify employees and prospective employees of the use of the System and that the System may be used for immigration enforcement purposes;

''(2) verify the identification and employment authorization status for newly hired individuals described in section 101(a)(15)(H)(v)(a) not later than 3 days after the date of hire;

''(3) use—

''(A) a machine-readable document described in subsection (a)(3)(B); or

''(B) the telephonic or electronic system to access the Database;

''(4) provide, for each employer hired, the occupation, metropolitan statistical area of employment, and annual compensation paid;

''(5) retain the code received indicating confirmation or nonconfirmation, for use in investigations described in section 212(n)(2); and

''(6) provide a copy of the employment verification receipt to such employees.

''(e) GOOD-FAITH COMPLIANCE.—

''(1) AFFIRMATIVE DEFENSE.—A person or entity that establishes good faith compliance with the requirements of this section with respect to the employment of an individual in the United States has established an affirmative defense that the person or entity has not violated this section.

''(2) LIMITATION.—Paragraph (1) shall not apply if a person or entity engages in an unlawful immigration-related employment practice described in subsection (a)(7).''.

(b) INTERIM DIRECTIVE.—Before the implementation of the Employment Eligibility Confirmation System (referred to in this section as the ''System'') established under section 274E of the Immigration and Nationality Act, as added by subsection (a), the Commissioner of Social Security, in coordination with the Secretary of Homeland Security, shall, to the maximum extent practicable, implement an interim system to confirm employment eligibility that is consistent with the provisions of such section.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 3 months after the last day of the second year and of the third year that the System is in effect, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the System.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the impact of the System on the employment of unauthorized workers;

(B) an assessment of the accuracy of the Employment Eligibility Database maintained by the Department of Homeland Security and Social Security Administration databases, and timeliness and accuracy of responses from the Department of Homeland Security and the Social Security Administration to employers;

(C) an assessment of the privacy, confidentiality, and system security of the System;

(D) assess whether the System is being implemented in a nondiscriminatory manner; and

(E) include recommendations on whether or not the System should be modified.

SEC. 1403. IMPROVED ENTRY AND EXIT DATA SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking ''Justice'' and inserting ''Homeland Security'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) collects the biometric machine-readable information from an alien's visa or immigration-related document described in section 221(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1201(a)(3) at the time an alien arrives in the United States and at the time an alien departs from the United States to determine if such alien is entering, or is present in, the United States unlawfully.''; and

(3) in subsection (f)(1), by striking ''Departments of Justice and State'' and inserting ''Department of Homeland Security and the Department of State''.

SEC. 1404. DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (J); and

(2) by inserting after subparagraph (G) the following:

''(H)(i) The Secretary of Labor may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(H)(v)(a) if the Secretary, or the Secretary's designee—

''(I) certifies that reasonable cause exists to believe that the employer is out of compliance with the Secure America and Orderly Immigration Act or section 274E; and

''(II) approves the commencement of the investigation.

''(ii) In determining whether reasonable cause exists to initiate an investigation under this section, the Secretary shall—

''(I) monitor the Willing Worker-Willing Employer Electronic Job Registry;

''(II) monitor the Employment Eligibility Confirmation System, taking into consideration whether—

''(aa) an employer's submissions to the System generate a high volume of tentative nonconfirmation responses relative to other comparable employers;

''(bb) an employer rarely or never screens hired individuals;

''(cc) individuals employed by an employer rarely or never pursue a secondary verification process as established in section 274E; or

''(dd) any other indicators of illicit, inappropriate or discriminatory use of the System, especially those described in section 274E(a)(6)(D), exist; and

''(III) consider any additional evidence that the Secretary determines appropriate.

''(iii) Absent other evidence of noncompliance, an investigation under this subparagraph should not be initiated for lack of completeness or obvious inaccuracies by the employer in complying with section 101(a)(15)(H)(v)(a).''.

SEC. 1405. PROTECTION OF EMPLOYMENT RIGHTS.

The Secretary and the Secretary of Homeland Security shall establish a process under which a nonimmigrant worker described in clause (ii)(b) or (v)(a) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) who files a nonfrivolous

complaint regarding a violation of this section and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States with an employer for a period not to exceed the maximum period of stay authorized for that nonimmigrant classification.

SEC. 1406. INCREASED FINES FOR PROHIBITED BEHAVIOR.

Section 274B(g)(2)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(B)(iv)) is amended—

(1) in subclause (I), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $500 and not more than $4,000'';

(2) in subclause (II), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $4,000 and not more than $10,000''; and

(3) in subclause (III), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $6,000 and not more than $20,000''.

TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS

SEC. 1501. LABOR MIGRATION FACILITATION PROGRAMS.

(a) AUTHORITY FOR PROGRAM.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into an agreement to establish and administer a labor migration facilitation program jointly with the appropriate official of a foreign government whose citizens participate in the temporary worker program authorized under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)).

(2) PRIORITY.—In establishing programs under subsection (a), the Secretary of State shall place a priority on establishing such programs with foreign governments that have a large number of nationals working as temporary workers in the United States under such section 101(a)(15)(H)(v)(a). The Secretary shall enter into such agreements not later than 3 months after the date of enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Labor, to confer with a foreign government—

(i) to establish and implement a program to assist temporary workers from such a country to obtain nonimmigrant status under such section 101(a)(15)(H)(v)(a);

(ii) to establish programs to create economic incentives for aliens to return to their home country;

(B) the foreign government to monitor the participation of its nationals in such a temporary worker program, including departure from and return to a foreign country;

(C) the foreign government to develop and promote a reintegration program available to such individuals upon their return from the United States;

(D) the foreign government to promote or facilitate travel of such individuals between the country of origin and the United States; and

(E) any other matters that the foreign government and United States find appropriate to enable such individuals to maintain strong ties to their country of origin.

SEC. 1502. BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(2) Mexico comprises a prime source of migration to the United States.

(3) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(4) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(5) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(6) A majority of Mexican businesses are small or medium size with limited access to financial capital.

(7) These factors constitute a major impediment to broad-based economic growth in Mexico.

(8) Approximately 20 percent of Mexico's population works in agriculture, with the majority of this population working on small farms and few on large commercial enterprises.

(9) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(10) The Presidents of Mexico and the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, agreed to promote economic growth, competitiveness, and quality of life in the agreement on Security and Prosperity Partnership of North America.

(b) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Partnership for Prosperity to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(1) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(2) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(3) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(A) provide long term credit to borrowers;

(B) develop a viable network of regional and local intermediary lending institutions; and

(C) extend financing for alternative rural economic activities beyond direct agricultural production;

(4) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(5) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(6) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(7) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(8) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(9) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(c) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(1) increasing health care access for poor and under served populations in Mexico;

(2) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the United States–Mexico border region;

(3) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(4) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION

SEC. 1601. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 480,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those years; and

''(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.''.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 290,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

''(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.''.

SEC. 1602. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking '', (4), and (5)'' and inserting ''and (4)''; and

(B) by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''; and

(2) by striking paragraph (5).

SEC. 1603. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

''(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the class specified in paragraph (4).

''(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants—

''(A) who are the spouses or children of an alien lawfully admitted for permanent residence, which visas shall constitute not less than 77 percent of the visas allocated under this paragraph; or

''(B) who are the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the classes specified in paragraphs (1) and (2).

''(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States who are at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level plus any visas not required for the classes specified in paragraphs (1) through (3).''.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''20 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''20 percent'';

(3) in paragraph (3)(A)—

(A) by striking ''28.6 percent'' and inserting ''35 percent''; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ''7.1 percent'' and inserting ''5 percent'';

(7) by inserting after paragraph (4), as redesignated, the following:

''(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States, or to nonimmigrants under section 101(a)(15)(H)(v)(a).''; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4),''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

SEC. 1604. RELIEF FOR CHILDREN AND WIDOWS.

(a) IN GENERAL.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking ''spouses, and parents of a citizen of the United States'' and inserting ''(and their children who are accompanying or following to join them), the spouses (and their children who are accompanying or following to join them), and the parents of a citizen of the United States (and their children who are accompanying or following to join them)''.

(b) PETITION.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(ii) is amended by inserting ''or an alien child or alien parent described in the third sentence of section 201(b)(2)(A)(i)'' after ''section 201(b)(2)(A)(i)''.

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, CHILDREN, AND PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (c) (except subsection (c)(6)), any alien described in paragraph (2) who applied for adjustment of status prior to the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as defined in section 201(b)(2)(A)(i));

''(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b), as described in section 203(d); or

''(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).''.

(d) TRANSITION PERIOD.—Notwithstanding a denial of an application for adjustment of status not more than 2 years before the date of enactment of this Act, in the case of an alien whose qualifying relative died before the date of enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, filed not later than 1 year after the date of enactment of this Act.

SEC. 1605. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.

Section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(A), by striking ''125'' and inserting ''100''; and

(2) in subsection (f), by striking ''125'' each place it appears and inserting ''100''.

SEC. 1606. DISCRETIONARY AUTHORITY.

Section 212(i) of the Immigration and Nationality Act (8 U.S.C. 1182(i)) is amended—

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

(2) by inserting after paragraph (1) the following:

''(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

''(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

''(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's parent or child if, such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

''(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.''.

SEC. 1607. FAMILY UNITY.

Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (B)(iii)(I), by striking ''18'' and inserting ''21''; and

(2) in subparagraph (C)(ii)—

(A) by redesignating subclauses (1) and (2) as subclauses (I) and (II); and

(B) in subclause (II), as redesignated, by redesignating items (A), (B), (C), and (D) as items (aa), (bb), (cc), and (dd); and

(3) by adding at the end the following:

''(D) WAIVER.—

''(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under sections 201 and 203 if such petition was filed on or before the date of introduction of Secure America and Orderly Immigration Act.

''(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.''.

TITLE VII—H–5B NONIMMIGRANTS

SEC. 1701. H–5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by adding after section 250 the following:

''H–5B NONIMMIGRANTS

''SEC. 250A. (a) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) if the alien—

''(1) submits an application for such adjustment; and

''(2) meets the requirements of this section.

''(b) PRESENCE IN THE UNITED STATES.—The alien shall establish that the alien—

''(1) was present in the United States before the date on which the Secure America and Orderly Immigration Act was introduced, and has been continuously in the United States since such date; and

''(2) was not legally present in the United States on the date on which the Secure America and Orderly Immigration Act was introduced under any classification set forth in section 101(a)(15).

''(c) SPOUSES AND CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if the person is otherwise eligible under subsection (b)—

''(1) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b); or

''(2) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for an alien who, before the date on which the Secure America and Orderly Immigration Act was introduced in Congress, was the spouse or child of an alien who is provided nonimmigrant status under section

101(a)(15)(H)(v)(b), or is eligible for such status, if—

''(A) the termination of the qualifying relationship was connected to domestic violence; and

''(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b).

''(d) OTHER CRITERIA.—

''(1) IN GENERAL.—An alien may be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), if the alien establishes that the alien—

''(A) is not inadmissible to the United States under section 212(a), except as provided in paragraph (2); or

''(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(2) GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility under paragraph (1)(A)—

''(A) paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

''(B) the Secretary of Homeland Security may not waive—

''(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

''(ii) section 212(a)(3) (relating to security and related grounds); or

''(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

''(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

''(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security other than under this paragraph to waive the provisions of section 212(a).

''(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who is applying for adjustment of status in accordance with this title for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced.

''(e) EMPLOYMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security may not adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) unless the alien establishes that the alien—

''(A) was employed in the United States, whether full time, part time, seasonally, or self-employed, before the date on which the Secure America and Orderly Immigration Act was introduced; and

''(B) has been employed in the United States since that date.

''(2) EVIDENCE OF EMPLOYMENT.—

''(A) CONCLUSIVE DOCUMENTS.—An alien may conclusively establish employment status in compliance with paragraph (1) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

''(i) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

''(ii) an employer; or

''(iii) a labor union, day labor center, or an organization that assists workers in matters related to employment.

''(B) OTHER DOCUMENTS.—An alien who is unable to submit a document described in clauses (i) through (iii) of subparagraph (A) may satisfy the requirement in paragraph (1) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

''(i) bank records;

''(ii) business records;

''(iii) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

''(iv) remittance records.

''(3) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

''(4) BURDEN OF PROOF.—An alien described in paragraph (1) who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

''(f) SPECIAL RULES FOR MINORS AND INDIVIDUALS WHO ENTERED AS MINORS.—The employment requirements under this section shall not apply to any alien under 21 years of age.

''(g) EDUCATION PERMITTED.—An alien may satisfy the employment requirements under this section, in whole or in part, by full-time attendance at—

''(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

''(2) a secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

''(h) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(1) SUBMISSION OF FINGERPRINTS.—An alien may not be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), unless the alien submits fingerprints in accordance with procedures established by the Secretary of Homeland Security.

''(2) BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize fingerprints and other data provided by the alien to conduct a background check of such alien relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status as described in this section.

''(3) EXPEDITIOUS PROCESSING.—The background checks required under paragraph (2) shall be conducted as expeditiously as possible.

''(i) PERIOD OF AUTHORIZED STAY AND APPLICATION FEE AND FINE.—

''(1) PERIOD OF AUTHORIZED STAY.—

''(A) IN GENERAL.—The period of authorized stay for a nonimmigrant described in section 101(a)(15)(H)(v)(b) shall be 6 years.

''(B) LIMITATION.—The Secretary of Homeland Security may not authorize a change from such nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of the 6-year period described in subparagraph (A). The Secretary may only extend such period to accommodate the processing of an application for adjustment of status under section 245B.

''(2) APPLICATION FEE.—The Secretary of Homeland Security shall impose a fee for filing an application for adjustment of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

''(3) FINES.—

''(A) IN GENERAL.—In addition to the fee required under paragraph (2), the Secretary of Homeland Security may accept an application for adjustment of status under this section only if the alien pays a $1,000 fine.

''(B) EXCEPTION.—Fines paid under this paragraph shall not be required from an alien under the age of 21.

''(4) COLLECTION OF FEES AND FINES.—All fees and fines collected under this section shall be deposited in the Treasury in accordance with section 286(w).

''(j) TREATMENT OF APPLICANTS.—

''(1) IN GENERAL.—An alien who files an application under this section, including the alien's spouse or child—

''(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

''(B) shall be granted permission to travel abroad;

''(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien, through conduct or criminal conviction, becomes ineligible for such adjustment of status; and

''(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3)) until employment authorization under subparagraph (A) is denied.

''(2) BEFORE APPLICATION PERIOD.—If an alien is apprehended after the date of enactment of this section, but before the promulgation of regulations pursuant to this section, and the alien can establish prima facie eligibility as a nonimmigrant under section 101(a)(15)(H)(v)(b), the Secretary of Homeland Security shall provide the alien with a reasonable opportunity, after promulgation of regulations, to file an application for adjustment.

''(3) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for adjustment of status under this title unless a final administrative determination has been made.

''(4) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status in accordance with this section. Such an alien shall not be required to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal, or voluntary departure order. If the Secretary of Homeland Security grants the application, the Secretary shall cancel such order. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable to the same extent as if the application had not been made.

''(k) ADMINISTRATIVE AND JUDICIAL REVIEW.—

''(1) ADMINISTRATIVE REVIEW.—

''(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority within the United States Citizenship and Immigration Services to provide for

a single level of administrative appellate review of a determination respecting an application for adjustment of status under this section.

''(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

''(2) JUDICIAL REVIEW.—

''(A) IN GENERAL.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under this section. Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (B).

''(B) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

''(C) JURISDICTION OF COURTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any cause or claim arising from a pattern or practice of the Secretary of Homeland Security in the operation or implementation of this section that is arbitrary, capricious, or otherwise contrary to law, and may order any appropriate relief.

''(ii) REMEDIES.—A district court may order any appropriate relief under clause (i) if the court determines that resolution of such cause or claim will serve judicial and administrative efficiency or that a remedy would otherwise not be reasonably available or practicable.

''(3) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section.

''(l) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may—

''(A) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application;

''(B) make any publication through which the information furnished by any particular applicant can be identified; or

''(C) permit anyone other than the sworn officers and employees of such agency or bureau to examine individual applications.

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

''(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

''(m) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment before the date on which the Secure America and Orderly Immigration Act is introduced, shall not, on that ground, be determined to have violated this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 250 the following:

''Sec. 250A. H–5B nonimmigrants.''.

SEC. 1702. ADJUSTMENT OF STATUS FOR H–5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

''ADJUSTMENT OF STATUS OF FORMER H–5B NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR LAWFUL PERMANENT RESIDENCE

''SEC. 245B. (a) REQUIREMENTS.—The Secretary shall adjust the status of an alien from nonimmigrant status under section 101(a)(15)(H)(v)(b) to that of an alien lawfully admitted for permanent residence under this section if the alien satisfies the following requirements:

''(1) COMPLETION OF EMPLOYMENT OR EDUCATION REQUIREMENT.—The alien establishes that the alien has been employed in the United States, either full time, part time, seasonally, or self-employed, or has met the education requirements of subsection (f) or (g) of section 250A during the period required by section 250A(e).

''(2) RULEMAKING.—The Secretary shall establish regulations for the timely filing and processing of applications for adjustment of status for nonimmigrants under section 101(a)(15)(H)(v)(b).

''(3) APPLICATION AND FEE.—The alien who applies for adjustment of status under this section shall pay the following:

''(A) APPLICATION FEE.—An alien who files an application under section 245B of the Immigration and Nationality Act, shall pay an application fee, set by the Secretary.

''(B) ADDITIONAL FINE.—Before the adjudication of an application for adjustment of status filed under this section, an alien who is at least 21 years of age shall pay a fine of $1,000.

''(4) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien establishes that the alien is not inadmissible under section 212(a), except for any provision of that section that is not applicable or waived under section 250A(d)(2).

''(5) MEDICAL EXAMINATION.—The alien shall undergo, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

''(6) PAYMENT OF INCOME TAXES.—

''(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required by section 250A(e) by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been met; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

''(7) BASIC CITIZENSHIP SKILLS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the alien shall establish that the alien—

''(i) meets the requirements of section 312; or

''(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

''(B) RELATION TO NATURALIZATION EXAMINATION.—An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

''(8) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—The Secretary shall conduct a security and law enforcement background check in accordance with procedures described in section 250A(h).

''(9) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), that such alien has registered under that Act.

''(b) TREATMENT OF SPOUSES AND CHILDREN.—

''(1) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

''(A) adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to the spouse or child of an alien who adjusts status to that of a permanent resident under this section; or

''(B) adjust the status to that of a lawful permanent resident under this section for an alien who was the spouse or child of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under section 245B in accordance with subsection (a), if—

''(i) the termination of the qualifying relationship was connected to domestic violence; and

''(ii) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status to that of a permanent resident under this section.

''(2) APPLICATION OF OTHER LAW.—In acting on applications filed under this subsection with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

''(c) JUDICIAL REVIEW; CONFIDENTIALITY; PENALTIES.—Subsections (n), (o), and (p) of section 250A shall apply to this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

''Sec. 245B. Adjustment of status of former H–5B nonimmigrant to that of person admitted for lawful permanent residence.''.

SEC. 1703. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (A) or (B) of''; and

(2) by adding at the end the following:

''(F) Aliens whose status is adjusted from the status described in section 101(a)(15)(H)(v)(b).''.

SEC. 1704. EMPLOYER PROTECTIONS.

(a) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under section 245B or 250A of the Immigration and Nationality Act, as added by this title, shall not be subject to civil and criminal tax liability relating directly to the employment of such alien prior to such alien receiving employment authorization under this title.

(b) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under section 245B or 250A of the Immigration and Nationality Act or any other application or petition pursuant to any other immigration law, shall not be subject to civil and criminal liability under section 274A of such Act for employing such unauthorized aliens.

(c) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 1705. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 245B and 250A of the Immigration and Nationality Act, as added by this Act.

TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD

SEC. 1801. RIGHT TO QUALIFIED REPRESENTATION.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

''RIGHT TO QUALIFIED REPRESENTATION IN IMMIGRATION MATTERS

''SEC. 292. (a) AUTHORIZED REPRESENTATIVES IN IMMIGRATION MATTERS.—Only the following individuals are authorized to represent an individual in an immigration matter before any Federal agency or entity:

''(1) An attorney.

''(2) A law student who is enrolled in an accredited law school, or a graduate of an accredited law school who is not admitted to the bar, if—

''(A) the law student or graduate is appearing at the request of the individual to be represented;

''(B) in the case of a law student, the law student has filed a statement that the law student is participating, under the direct supervision of a faculty member, attorney, or accredited representative, in a legal aid program or clinic conducted by a law school or nonprofit organization, and that the law student is appearing without direct or indirect remuneration from the individual the law student represents;

''(C) in the case of a graduate, the graduate has filed a statement that the graduate is appearing under the supervision of an attorney or accredited representative and that the graduate is appearing without direct or indirect remuneration from the individual the graduate represents; and

''(D) the law student's or graduate's appearance is—

''(i) permitted by the official before whom the law student or graduate wishes to appear; and

''(ii) accompanied by the supervising faculty member, attorney, or accredited representative, to the extent required by such official.

''(3) Any reputable individual, if—

''(A) the individual is appearing on an individual case basis, at the request of the individual to be represented;

''(B) the individual is appearing without direct or indirect remuneration and the individual files a written declaration to that effect, except as described in subparagraph (D);

''(C) the individual has a pre-existing relationship or connection with the individual entitled to representation, such as a relative, neighbor, clergyman, business associate, or personal friend, except that this requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

''(D) if making a personal appearance on behalf of another individual, the appearance is permitted by the official before whom the individual wishes to appear, except that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself or herself out to the public as qualified to do so.

''(4) An individual representing a recognized organization (as described in subsection (f)) who has been approved to serve as an accredited representative by the Board of Immigration Appeals under subsection (f)(2).

''(5) An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his or her official capacity and with the consent of the person to be represented.

''(6) An individual who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which the individual resides and who is engaged in such practice, if the person represents persons only in matters outside the United States and that the official before whom such person wishes to appear allows such representation, as a matter of discretion.

''(7) An attorney, or an organization represented by an attorney, may appear, on a case-by-case basis, as amicus curiae, if the Board of Immigration Appeals grants such permission and the public interest will be served by such appearance.

''(b) FORMER EMPLOYEES.—No individual previously employed by the Department of Justice, Department of State, Department of Labor, or Department of Homeland Security may be permitted to act as an authorized representative under this section, if such authorization would violate any other applicable provision of Federal law or regulation. In addition, any application for such authorization must disclose any prior employment by or contract with such agencies for services of any nature.

''(c) ADVERTISING.—Only an attorney or an individual approved under subsection (f)(2) as an accredited representative may advertise or otherwise hold themselves out as being able to provide representation in an immigration matter. This provision shall in no way be deemed to diminish any Federal or State law to regulate, control, or enforce laws regarding such advertisement, solicitation, or offer of representation.

''(d) REMOVAL PROCEEDINGS.—In any proceeding for the removal of an individual from the United States and in any appeal proceedings from such proceeding, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than a person described in subsection (a) may cause the representative to be subject to civil penalties or such other penalties as may be applicable.

''(e) BENEFITS FILINGS.—In any filing or submission for an immigration related benefit or a determination related to the immigration status of an individual made to the Department of Homeland Security, the Department of Labor, or the Department of State, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than an individual described in subsection (a) is cause for the representative to be subject to civil or criminal penalties, as may be applicable.

''(f) RECOGNIZED ORGANIZATIONS AND ACCREDITED REPRESENTATIVES.—

''(1) RECOGNIZED ORGANIZATIONS.—

''(A) IN GENERAL.—The Board of Immigration Appeals may determine that a person is a recognized organization if such person—

''(i) is a nonprofit religious, charitable, social service, or similar organization established in the United States that—

''(I) is recognized by the Board of Immigration Appeals; and

''(II) is authorized to designate a representative to appear in an immigration matter before the Department of Homeland Security or the Executive Office for Immigration Review of the Department of Justice; and

''(ii) demonstrates to the Board that such person—

''(I) makes only nominal charges and assesses no excessive membership dues for individuals given assistance; and

''(II) has at its disposal adequate knowledge, information, and experience.

''(B) BONDING.—The Board, in its discretion, may impose a bond requirement on new organizations seeking recognition.

''(C) REPORTING OBLIGATIONS.—Recognized organizations shall promptly notify the Board when the organization no longer meets the requirements for recognition or when an accredited representative employed by the recognized organization ceases to be employed by the recognized organization.

''(2) ACCREDITED REPRESENTATIVES.—The Board of Immigration Appeals shall approve any qualified individual designated by a recognized organization to serve as an accredited representative. Such individual must be employed by the recognized organization and must meet all requirements set forth in this section and in the accompanying regulations to be authorized to represent individuals in

an immigration matter. Accredited representatives, through their recognized organizations, must certify their continuing eligibility for accreditation every 3 years with the Board of Immigration Appeals. Accredited representatives who fail to comply with these requirements shall not have authority to represent persons in an immigration matter for the recognized organization.

''(g) PROHIBITED ACTS.—An individual, other than an individual authorized to represent an individual under this section, may not—

''(1) directly or indirectly provide or offer representation regarding an immigration matter for compensation or contribution;

''(2) advertise or solicit representation in an immigration matter;

''(3) retain any compensation provided for a prohibited act described in paragraph (1) or (2), regardless of whether any petition, application, or other document was filed with any government agency or entity and regardless of whether a petition, application, or other document was prepared or represented to have been prepared by such individual;

''(4) represent directly or indirectly that the individual is an attorney or supervised by or affiliated with an attorney, when such representation is false; or

''(5) violate any applicable civil or criminal statute or regulation of a State regarding the provision of representation by providing or offering to provide immigration or immigration-related assistance referenced in this subsection.

''(h) CIVIL ENFORCEMENT.—

''(1) IN GENERAL.—Any person, or any entity acting for the interests of itself, its members, or the general public (including a Federal law enforcement official or agency or law enforcement official or agency of any State or political subdivision of a State), that has reason to believe that any person is being or has been injured by reason of a violation of subsection (g) may commence a civil action in any court of competent jurisdiction.

''(2) REMEDIES.—

''(A) DAMAGES.—In any civil action brought under this subsection, if the court finds that the defendant has violated subsection (g), it shall award actual damages, plus the greater of—

''(i) an amount treble the amount of actual damages; or

''(ii) $1,000 per violation.

''(B) INJUNCTIVE RELIEF.—The court may award appropriate injunctive relief, including temporary, preliminary, or permanent injunctive relief, and restitution. Injunctive relief may include, where appropriate, an order temporarily or permanently enjoining the defendant from providing any service to any person in any immigration matter. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the commission of any act described in subsection (g).

''(C) ATTORNEY'S FEES.—The court shall also grant a prevailing plaintiff reasonable attorney's fees and costs, including expert witness fees.

''(D) CIVIL PENALTIES.—The court may also assess a civil penalty not exceeding $50,000 for a first violation, and not exceeding $100,000 for subsequent violations.

''(E) CUMULATIVE REMEDIES.—Unless otherwise expressly provided, the remedies or penalties provided under this paragraph are cumulative to each other and to the remedies or penalties available under all other Federal laws or laws of the jurisdiction where the violation occurred.

''(3) NONPREEMPTION.—Nothing in this subsection shall be construed to preempt any other private right of action or any right of action pursuant to the laws of any jurisdiction.

''(4) DISCOVERY.—Information obtained through discovery in a civil action under this subsection shall not be used in any criminal action. Upon the request of any party to a civil action under this subsection, any part of the court file that makes reference to information discovered in a civil action under this subsection may be sealed.

''(i) NONPREEMPTION OF MORE PROTECTIVE STATE AND LOCAL LAWS.—The provisions of this section supersede laws, regulations, and municipal ordinances of any State only to the extent such laws, regulations, and municipal ordinances impede the application of any provision of this section. Any State or political subdivision of a State may impose requirements supplementing those imposed by this section.

''(j) DEFINITIONS.—As used in this section—

''(1) the term 'attorney' means a person who—

''(A) is a member in good standing of the bar of the highest court of a State; and

''(B) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting such person in the practice of law;

''(2) the term 'compensation' means money, property, labor, promise of payment, or any other consideration provided directly or indirectly to an individual

''(3) the term 'immigration matter' means any proceeding, filing, or action affecting the immigration or citizenship status of any person, which arises under any immigration or nationality law, Executive order, Presidential proclamation, or action of any Federal agency;

''(4) the term 'representation', when used with respect to the representation of a person, includes—

''(A) the appearance, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client, before any Federal agency or officer; and

''(B) the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers; and

''(5) the term 'State' includes a State or an outlying possession of the United States.''.

SEC. 1802. PROTECTION OF WITNESS TESTIMONY.

(a) DEFINITION.—Section 101(a)(15)(U)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(i)) is amended—

(1) by inserting in subclause (I) after the phrase ''clause (iii)'' the following: ''or has suffered substantial financial, physical, or mental harm as the result of a prohibited act described in section 292;''

(2) by inserting in subclause (II) after the phrase ''clause (iii)'' the following: ''or section 292'';

(3) by inserting in subclause (III) after the phrase ''clause (iii)'' the following: ''or section 292''; and

(4) by inserting in subclause (IV) after the phrase ''clause (iii)'' the following: ''or section 292''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(p) of the Immigration and Nationality Act of (8 U.S.C. 1184(p)) is amended—

(1) in paragraph (1), by inserting ''or section 274E'' after ''section 101(a)(15)(U)(iii)'' each place it appears; and

(2) in paragraph (2)(A), by striking ''10,000'' and inserting ''15,000''.

TITLE IX—CIVICS INTEGRATION

SEC. 1901. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship (as described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship.

SEC. 1902. CIVICS INTEGRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a competitive grant program to fund—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; or

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE X—PROMOTING ACCESS TO HEALTH CARE

SEC. 2001. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note) is amended—

(1) by striking ''2008'' and inserting ''2011''; and

(2) in subsection (c)(5), by adding at the end the following:

''(D) Nonimmigrants described in section 101(a)(15)(H)(v) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)''.

SEC. 2002. PROHIBITION AGAINST OFFSET OF CERTAIN MEDICARE AND MEDICAID PAYMENTS.

Payments made under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note)—

(1) shall not be considered ''third party coverage'' for the purposes of section 1923 of the Social Security Act (42 U.S.C. 1396r–4); and

(2) shall not impact payments made under such section of the Social Security Act.

SEC. 2003. PROHIBITION AGAINST DISCRIMINATION AGAINST ALIENS ON THE BASIS OF EMPLOYMENT IN HOSPITAL-BASED VERSUS NONHOSPITAL-BASED SITES.

Section 214(l)(1)(C) of the Immigrant and Nationality Act (8 U.S.C. 1184(l)(1)(C) is amended—

(1) in clause (i), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(iii) such interested Federal agency or interested State agency, in determining which aliens will be eligible for such waivers, does not utilize selection criteria, other than as described in this subsection, that discriminate on the basis of the alien's employment in a hospital-based versus nonhospital-based facility or organization; and''.

SEC. 2004. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academies (referred to in this section as the ''Institute'') to study binational public health infrastructure and health insurance efforts.

(2) INPUT.—In conducting the study under paragraph (1), the Institute shall solicit input from border health experts and health insurance companies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into a contract under subsection (a), the Institute shall submit a report concerning the study conducted under subsection (a) to the Secretary of Health and Human Services and the appropriate committees of Congress.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

TITLE XI—MISCELLANEOUS

SEC. 2101. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H–5A NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Secretary of State and the Secretary of Homeland Security shall maintain an accurate count of the number of aliens subject to the numerical limitations under section 214(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) who are issued visas or otherwise provided nonimmigrant status.

(b) PROVISION OF INFORMATION.—

(1) QUARTERLY NOTIFICATION.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of State and the Secretary of Homeland Security shall submit quarterly reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a) of the Immigrant and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)) during the preceding 3-month period.

(2) ANNUAL SUBMISSION.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of Homeland Security shall submit annual reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, containing information on the countries of origin and occupations of, geographic area of employment in the United States, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under such section 101(a)(15)(H)(v)(a). The Secretary shall compile such reports based on the data reported by employers to the Employment Eligibility Confirmation System established in section 402.

SEC. 2102. H–5 NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w)(1) There is established in the general fund of the Treasury of the United States an account, which shall be known as the 'H–5 Nonimmigrant Petitioner Account'.

''(2) There shall be deposited as offsetting receipts into the H–5 Nonimmigrant Petitioners Account—

''(A) all fees collected under section 218A; and

''(B) all fines collected under section 212(n)(2)(I).

''(3) Of the fees and fines deposited into the H–5 Nonimmigrant Petitioner Account—

''(A) 53 percent shall remain available to the Secretary of Homeland Security for efforts related to the adjudication and implementation of the H–5 visa programs described in sections 221(a) and 250A and any other efforts necessary to carry out the provisions of the Secure America and Orderly Immigration Act and the amendments made by such Act, of which the Secretary shall allocate—

''(i) 10 percent shall remain available to the Secretary of Homeland Security for the border security efforts described in title I of the Secure America and Orderly Immigration Act.

''(ii) not more than 1 percent to promote public awareness of the H–5 visa program, to protect migrants from fraud, and to combat the unauthorized practice of law described in title III of the Secure America and Orderly Immigration Act;

''(iii) not more than 1 percent to the Office of Citizenship to promote civics integration activities described in section 901 of the Secure America and Orderly Immigration Act; and

''(iv) 2 percent for the Civics Integration Grant Program under section 902 of the Secure America and Orderly Immigration Act.

''(B) 15 percent shall remain available to the Secretary of Labor for the enforcement of labor standards in those geographic and occupational areas in which H–5A visa holders are likely to be employed and for other enforcement efforts under the Secure America and Orderly Immigration Act;

''(C) 15 percent shall remain available to the Commissioner of Social Security for the creation and maintenance of the Employment Eligibility Confirmation System described in section 402 of the Secure America and Orderly Immigration Act;

''(D) 15 percent shall remain available to the Secretary of State to carry out any necessary provisions of the Secure America and Orderly Immigration Act; and

''(E) 2 percent shall remain available to the Secretary of Health and Human Services for the reimbursement of hospitals serving individuals working under programs established in this Act.''.

SEC. 2103. ANTI-DISCRIMINATION PROTECTIONS.

Section 274B(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

''(B) is an alien who is—

''(i) lawfully admitted for permanent residence;

''(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

''(iii) admitted as a refugee under section 207;

''(iv) granted asylum under section 208; or

''(v) granted the status of nonimmigrant under section 101(a)(15)(H)(v).''.

SEC. 2104. WOMEN AND CHILDREN AT RISK OF HARM.

(a) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon at the end;

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

(3) by adding at the end the following:

''(N) subject to subsection (j), an immigrant who is not present in the United States—

''(i) who is—

''(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

''(aa) for whom no parent or legal guardian is able to provide adequate care;

''(bb) who faces a credible fear of harm related to his or her age;

''(cc) who lacks adequate protection from such harm; and

''(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

''(ii) who is—

''(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a female who has—

''(aa) a credible fear of harm related to her sex; and

''(bb) a lack of adequate protection from such harm.''.

(b) STATUTORY CONSTRUCTION.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

''(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

''(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

''(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

''(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

''(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

''(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the

date on which the alien was referred to the consular, immigration, or other designated official.

''(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).''.

(c) ALLOCATION OF SPECIAL IMMIGRANT VISAS.—Section 203(b)(4) of the Immigration Nationality Act (8 U.S.C. 1153(b)(4)) is amended by striking ''(A) or (B) thereof'' and inserting ''(A), (B), or (N) of such section''.

(d) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a), special immigrant status shall be adjudicated and, if granted, the alien shall be—

(1) paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)); and

(2) allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) not later than 1 year after the alien's arrival in the United States.

(e) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(1) DATABASE SEARCH.—An alien may not be admitted to the United States under this section or an amendment made by this section until the Secretary of Homeland Security has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(2) COOPERATION AND SCHEDULE.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by paragraph (1) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a).

(f) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(1) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(A) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States under this section or an amendment made by this section, the alien shall be fingerprinted and submit to the Secretary of Homeland Security such fingerprints and any other personal biometric data required by the Secretary.

(B) OTHER REQUIREMENTS.—The Secretary of Homeland Security may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints under subparagraph (A).

(2) DATABASE SEARCH.—The Secretary of Homeland Security shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(3) COOPERATION AND SCHEDULE.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required under paragraph (2) is completed not later than 180 days after the date on which the alien enters the United States.

(4) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(A) ADMINISTRATIVE REVIEW.—An alien who is admitted to the United States under this section or an amendment made by this section who is determined to be ineligible for an adjustment of status pursuant to section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) may appeal such a determination through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. The Secretary of Homeland Security shall ensure that a determination on such appeal is made not later than 60 days after the date on which the appeal is filed.

(B) JUDICIAL REVIEW.—Nothing in this section, or in an amendment made by this section, may preclude application of section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)).

(g) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(1) data related to the implementation of this section and the amendments made by this section;

(2) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a); and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 2105. EXPANSION OF S VISA.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(B) by striking ''or'' at the end; and

(2) in clause (ii)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''1956,'' and all that follows through ''the alien;'' and inserting the following: ''1956; or

''(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

''(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

''(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;''.

(b) NUMERICAL LIMITATION.—Section 214(k)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(1)) is amended to read as follows:

''(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 3,500.''.

SEC. 2106. VOLUNTEERS.

It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien, who is already present in the United States in violation of law to carry on the violation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.

SA 181. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 144 submitted by Mr. SESSIONS and intended to be proposed to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter to be inserted, insert the following:

DIVISION B—IMMIGRATION REFORM

SECTION 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Secure America and Orderly Immigration Act''.

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

DIVISION B—IMMIGRATION REFORM
Sec. 1001. Short title; table of contents.
Sec. 1002. Findings.
TITLE I—BORDER SECURITY
Sec. 1101. Definitions.
Subtitle A—Border Security Strategic Planning
Sec. 1111. National Strategy for Border Security.
Sec. 1112. Reports to Congress.
Sec. 1113. Authorization of appropriations.
Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement
Sec. 1121. Border security coordination plan.
Sec. 1122. Border security advisory committee.
Sec. 1123. Programs on the use of technologies for border security.
Sec. 1124. Combating human smuggling.
Sec. 1125. Savings clause.
Subtitle C—International Border Enforcement
Sec. 1131. North American Security Initiative.
Sec. 1132. Information sharing agreements.
Sec. 1133. Improving the security of Mexico's southern border.
TITLE II—STATE CRIMINAL ALIEN ASSISTANCE
Sec. 1201. State criminal alien assistance program authorization of appropriations.
Sec. 1202. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 1203. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.

TITLE III—ESSENTIAL WORKER VISA PROGRAM
Sec. 1301. Essential workers.
Sec. 1302. Admission of essential workers.
Sec. 1303. Employer obligations.
Sec. 1304. Protection for workers.
Sec. 1305. Market-based numerical limitations.
Sec. 1306. Adjustment to lawful permanent resident status.
Sec. 1307. Essential Worker Visa Program Task Force.
Sec. 1308. Willing worker-willing employer electronic job registry.
Sec. 1309. Authorization of appropriations.
TITLE IV—ENFORCEMENT
Sec. 1401. Document and visa requirements.
Sec. 1402. Employment Eligibility Confirmation System.
Sec. 1403. Improved entry and exit data system.
Sec. 1404. Department of labor investigative authorities.
Sec. 1405. Protection of employment rights.
Sec. 1406. Increased fines for prohibited behavior.
TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS
Sec. 1501. Labor migration facilitation programs.
Sec. 1502. Bilateral efforts with Mexico to reduce migration pressures and costs.
TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION
Sec. 1601. Elimination of existing backlogs.
Sec. 1602. Country limits.
Sec. 1603. Allocation of immigrant visas.
Sec. 1604. Relief for children and widows.
Sec. 1605. Amending the affidavit of support requirements.
Sec. 1606. Discretionary authority.
Sec. 1607. Family unity.
TITLE VII—H–5B NONIMMIGRANTS
Sec. 1701. H–5B nonimmigrants.
Sec. 1702. Adjustment of status for H–5B nonimmigrants.
Sec. 1703. Aliens not subject to direct numerical limitations.
Sec. 1704. Employer protections.
Sec. 1705. Authorization of appropriations.
TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD
Sec. 1801. Right to qualified representation.
Sec. 1802. Protection of witness testimony.
TITLE IX—CIVICS INTEGRATION
Sec. 1901. Funding for the Office of Citizenship.
Sec. 1902. Civics integration grant program.
TITLE X—PROMOTING ACCESS TO HEALTH CARE
Sec. 2001. Federal reimbursement of emergency health services furnished to undocumented aliens.
Sec. 2002. Prohibition against offset of certain medicare and medicaid payments.
Sec. 2003. Prohibition against discrimination against aliens on the basis of employment in hospital-based versus nonhospital-based sites.
Sec. 2004. Binational public health infrastructure and health insurance.
TITLE XI—MISCELLANEOUS
Sec. 2101. Submission to congress of information regarding H–5A nonimmigrants.
Sec. 2102. H–5 nonimmigrant petitioner account.
Sec. 2103. Anti-discrimination protections.
Sec. 2104. Women and children at risk of harm.
Sec. 2105. Expansion of S visa.
Sec. 2106. Volunteers.

SEC. 1002. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has an obligation to its citizens to secure its borders and ensure the rule of law in its communities.

(2) The Government of the United States must strengthen international border security efforts by dedicating adequate and significant resources for technology, personnel, and training for border region enforcement.

(3) Federal immigration policies must adhere to the United States tradition as a nation of immigrants and reaffirm this Nation's commitment to family unity, economic opportunity, and humane treatment.

(4) Immigrants have contributed significantly to the strength and economic prosperity of the United States and action must be taken to ensure their fair treatment by employers and protection against fraud and abuse.

(5) Current immigration laws and the enforcement of such laws are ineffective and do not serve the people of the United States, the national security interests of the United States, or the economic prosperity of the United States.

(6) The United States cannot effectively carry out its national security policies unless the United States identifies undocumented immigrants and encourages them to come forward and participate legally in the economy of the United States.

(7) Illegal immigration fosters other illegal activity, including human smuggling, trafficking, and document fraud, all of which undermine the national security interests of the United States.

(8) Illegal immigration burdens States and local communities with hundreds of millions of dollars in uncompensated expenses for law enforcement, health care, and other essential services.

(9) Illegal immigration creates an underclass of workers who are vulnerable to fraud and exploitation.

(10) Fixing the broken immigration system requires a comprehensive approach that provides for adequate legal channels for immigration and strong enforcement of immigration laws which will serve the economic, social, and security interests of the United States.

(11) Foreign governments, particularly those that share an international border with the United States, must play a critical role in securing international borders and deterring illegal entry of foreign nationals into the United States.

(12) Federal immigration policy should foster economic growth by allowing willing workers to be matched with willing employers when no United States worker is available to take a job.

(13) Immigration reform is a key component to achieving effective enforcement and will allow for the best use of security and enforcement resources to be focused on the greatest risks.

(14) Comprehensive immigration reform and strong enforcement of immigration laws will encourage legal immigration, deter illegal immigration, and promote the economic and national security interests of the United States.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) INTERNATIONAL BORDER OF THE UNITED STATES.—The term ''international border of the United States'' means the international border between the United States and Canada and the international border between the United States and Mexico, including points of entry along such international borders.

(3) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(4) SECURITY PLAN.—The term ''security plan'' means a security plan developed as part of the National Strategy for Border Security set forth under section 111(a) for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

Subtitle A—Border Security Strategic Planning

SEC. 1111. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) IN GENERAL.—In conjunction with strategic homeland security planning efforts, the Secretary shall develop, implement, and update, as needed, a National Strategy for Border Security that includes a security plan for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

(b) CONTENTS.—The National Strategy for Border Security shall include—

(1) the identification and evaluation of the points of entry and all portions of the international border of the United States that, in the interests of national security and enforcement, must be protected from illegal transit;

(2) a description of the most appropriate, practical, and cost-effective means of defending the international border of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities within the United States for the Border Patrol and the field offices of the Bureau of Customs and Border Protection that have responsibility for any portion of the international border of the United States;

(3) risk-based priorities for assuring border security and realistic deadlines for addressing security and enforcement needs identified in paragraphs (1) and (2);

(4) a strategic plan that sets out agreed upon roles and missions of Federal, State, regional, local, and tribal authorities, including appropriate coordination among such authorities, to enable security enforcement and border lands management to be carried out in an efficient and effective manner;

(5) a prioritization of research and development objectives to enhance the security of the international border of the United States and enforcement needs to promote such security consistent with the provisions of subtitle B;

(6) an update of the 2001 Port of Entry Infrastructure Assessment Study conducted by the United States Customs Service, in consultation with the General Services Administration;

(7) strategic interior enforcement coordination plans with personnel of Immigration and Customs Enforcement;

(8) strategic enforcement coordination plans with overseas personnel of the Department of Homeland Security and the Department of State to end human smuggling and trafficking activities;

(9) any other infrastructure or security plan or report that the Secretary determines appropriate for inclusion;

(10) the identification of low-risk travelers and how such identification would facilitate cross-border travel; and

(11) ways to ensure that the trade and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.

(c) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security shall be the governing document for Federal security and enforcement efforts related to securing the international border of the United States.

SEC. 1112. REPORTS TO CONGRESS.

(a) NATIONAL STRATEGY.—

(1) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the National Strategy for Border Security, including each security plan, to the appropriate congressional committees. Such plans shall include estimated costs of implementation and training from a fiscal and personnel perspective and a cost-benefit analysis of any technological security implementations.

(2) SUBSEQUENT SUBMISSIONS.—After the submission required under paragraph (1), the Secretary shall submit to the appropriate congressional committees any revisions to the National Strategy for Border Security, including any revisions to a security plan, not less frequently than April 1 of each odd-numbered year. The plan shall include estimated costs for implementation and training and a cost-benefit analysis of technological security implementations that take place during the time frame under evaluation.

(b) PERIODIC PROGRESS REPORTS.—

(1) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Border Security, including each security plan.

(2) CONTENT.—Each progress report submitted under this subsection shall include any recommendations for improving and implementing the National Strategy for Border Security, including any recommendations for improving and implementing a security plan.

(c) CLASSIFIED MATERIAL.—

(1) IN GENERAL.—Any material included in the National Strategy for Border Security, including each security plan, that includes information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees in a classified form.

(2) UNCLASSIFIED VERSION.—As appropriate, an unclassified version of the material described in paragraph (1) shall be provided to the appropriate congressional committees.

SEC. 1113. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle for each of the 5 fiscal years beginning with the fiscal year after the fiscal year in which this Act was enacted.

Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement

SEC. 1121. BORDER SECURITY COORDINATION PLAN.

(a) IN GENERAL.—The Secretary shall coordinate with Federal, State, local, and tribal authorities on law enforcement, emergency response, and security-related responsibilities with regard to the international border of the United States to develop and implement a plan to ensure that the security of such international border is not compromised—

(1) when the jurisdiction for providing such security changes from one such authority to another such authority;

(2) in areas where such jurisdiction is shared by more than one such authority; or

(3) by one such authority relinquishing such jurisdiction to another such authority pursuant to a memorandum of understanding.

(b) ELEMENTS OF PLAN.—In developing the plan, the Secretary shall consider methods to—

(1) coordinate emergency responses;

(2) improve data-sharing, communications, and technology among the appropriate agencies;

(3) promote research and development relating to the activities described in paragraphs (1) and (2); and

(4) combine personnel and resource assets when practicable.

(c) REPORT.—Not later than 1 year after implementing the plan developed under subsection (a), the Secretary shall transmit a report to the appropriate congressional committees on the development and implementation of such plan.

SEC. 1122. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a Border Security Advisory Committee (referred to in this section as the ''Advisory Committee'') to provide advice and recommendations to the Secretary on border security and enforcement issues.

(b) COMPOSITION.—

(1) IN GENERAL.—The members of the Advisory Committee shall be appointed by the Secretary and shall include representatives of—

(A) States that are adjacent to the international border of the United States;

(B) local law enforcement agencies; community officials, and tribal authorities of such States; and

(C) other interested parties.

(2) MEMBERSHIP.—The Advisory Committee shall be comprised of members who represent a broad cross section of perspectives.

SEC. 1123. PROGRAMS ON THE USE OF TECHNOLOGIES FOR BORDER SECURITY.

(a) AERIAL SURVEILLANCE TECHNOLOGIES PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), the Secretary, not later than 60 days after the date of enactment of this Act, shall develop and implement a program to fully integrate aerial surveillance technologies to enhance the border security of the United States.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along the international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the utilization of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near the international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(B) USE OF UNMANNED AERIAL VEHICLES.—The aerial surveillance technologies utilized in the program shall include unmanned aerial vehicles.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of their utilization and until such time the Secretary determines appropriate.

(5) REPORT.—

(A) REQUIREMENT.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report on such program to the appropriate congressional committees.

(B) CONTENT.—The Secretary shall include in the report required by subparagraph (A) a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(b) DEMONSTRATION PROGRAMS.—The Secretary is authorized, as part of the development and implementation of the National Strategy for Border Security, to establish and carry out demonstration programs to strengthen communication, information sharing, technology, security, intelligence benefits, and enforcement activities that will protect the international border of the United States without diminishing international trade and commerce.

SEC. 1124. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 1125. SAVINGS CLAUSE.

Nothing in this subtitle or subtitle A may be construed to provide to any State or local entity any additional authority to enforce Federal immigration laws.

Subtitle C—International Border Enforcement

SEC. 1131. NORTH AMERICAN SECURITY INITIATIVE.

(a) IN GENERAL.—The Secretary of State shall enhance the mutual security and safety of the United States, Canada, and Mexico by providing a framework for better management, communication, and coordination between the Governments of North America.

(b) RESPONSIBILITIES.—In implementing the provisions of this subtitle, the Secretary of State shall carry out all of the activities described in this subtitle.

SEC. 1132. INFORMATION SHARING AGREEMENTS.

The Secretary of State, in coordination with the Secretary of Homeland Security and the Government of Mexico, is authorized to negotiate an agreement with Mexico to—

(1) cooperate in the screening of third-country nationals using Mexico as a transit corridor for entry into the United States; and

(2) provide technical assistance to support stronger immigration control at the border with Mexico.

SEC. 1133. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Canadian Department of Foreign Affairs, and the Government of Mexico, shall establish a program to—

(1) assess the specific needs of the governments of Central American countries in maintaining the security of the borders of such countries;

(2) use the assessment made under paragraph (1) to determine the financial and technical support needed by the governments of Central American countries from Canada, Mexico, and the United States to meet such needs;

(3) provide technical assistance to the governments of Central American countries to secure issuance of passports and travel documents by such countries; and

(4) encourage the governments of Central American countries to—

(A) control alien smuggling and trafficking;

(B) prevent the use and manufacture of fraudulent travel documents; and

(C) share relevant information with Mexico, Canada, and the United States.

(b) IMMIGRATION.—The Secretary of Homeland Security, in consultation with the Secretary of State and appropriate officials of the governments of Central American countries shall provide robust law enforcement assistance to such governments that specifically addresses migratory issues to increase the ability of such governments to dismantle human smuggling organizations and gain tighter control over the border.

(c) BORDER SECURITY BETWEEN MEXICO AND GUATEMALA OR BELIZE.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Government of Mexico, and appropriate officials of the Governments of Guatemala, Belize, and neighboring contiguous countries, shall establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international border between Mexico and Guatemala and between Mexico and Belize.

(d) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Government of Mexico, and appropriate officials of the governments of Central American countries, shall—

(1) assess the direct and indirect impact on the United States and Central America on deporting violent criminal aliens;

(2) establish a program and database to track Central American gang activities, focusing on the identification of returning criminal deportees;

(3) devise an agreed-upon mechanism for notification applied prior to deportation and for support for reintegration of these deportees; and

(4) devise an agreement to share all relevant information with the appropriate agencies of Mexico and other Central American countries.

TITLE II—STATE CRIMINAL ALIEN ASSISTANCE

SEC. 1201. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

''(i) such sums as may be necessary for fiscal year 2005;

''(ii) $750,000,000 for fiscal year 2006;

''(iii) $850,000,000 for fiscal year 2007; and

''(iv) $950,000,000 for each of the fiscal years 2008 through 2011.

''(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 1202. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (c) through (e) and inserting the following:

''(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(d) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).''.

SEC. 1203. REIMBURSEMENT OF STATES FOR PRE-CONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a) is amended by inserting ''charged with or'' before ''convicted.''

TITLE III—ESSENTIAL WORKER VISA PROGRAM

SEC. 1301. ESSENTIAL WORKERS.

Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking ''(H) an alien (i)(b)'' and inserting the following:

''(H) an alien—

''(i)(b)'';

(2) by striking ''or (ii)(a)'' and inserting the following:

''(ii)(a)'';

(3) by striking ''or (iii)'' and inserting the following:

''(iii)''; and

(4) by adding at the end the following:

''(v)(a) subject to section 218A, having residence in a foreign country, which the alien has no intention of abandoning, who is coming temporarily to the United States to initially perform labor or services (other than those occupation classifications covered under the provisions of clause (i)(b) or (ii)(a) or subparagraph (L), (O), (P), or (R)); or.''.

SEC. 1302. ADMISSION OF ESSENTIAL WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

''ADMISSION OF TEMPORARY H–5A WORKERS

''SEC. 218A. (a) The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(H)(v)(a) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

''(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(v)(a), an alien shall meet the following requirements:

''(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(v).

''(2) EVIDENCE OF EMPLOYMENT.—The alien's evidence of employment shall be provided through the Employment Eligibility Confirmation System established under section 274E or in accordance with requirements issued by the Secretary of State, in consultation with the Secretary of Homeland Security. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

''(3) FEE.—The alien shall pay a $500 application fee to apply for the visa in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

''(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

''(c) GROUNDS OF INADMISSIBILITY.—

''(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(H)(v)(a)—

''(A) paragraphs (5), (6) (except for subparagraph (E)), (7), (9), and (10)(B) of section 212(a) may be waived for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

''(B) the Secretary of Homeland Security may not waive—

''(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

''(ii) section 212(a)(3) (relating to security and related grounds); or

''(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

''(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

''(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

''(2) WAIVER FINE.—An alien who is granted a waiver under subparagraph (1) shall pay a $1,500 fine upon approval of the alien's visa application.

''(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who initially seeks admission as a nonimmigrant under section 101(a)(15)(H)(v)(a).

''(4) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(H)(v)(a) shall establish that the alien is not inadmissible under section 212(a).

''(d) PERIOD OF AUTHORIZED ADMISSION.—

''(1) INITIAL PERIOD.—The initial period of authorized admission as a nonimmigrant described in section 101(a)(15)(H)(v)(a) shall be 3 years.

''(2) RENEWALS.—The alien may seek an extension of the period described in paragraph (1) for 1 additional 3-year period.

''(3) LOSS OF EMPLOYMENT.—

''(A) IN GENERAL.—Subject to subsection (c), the period of authorized admission of a nonimmigrant alien under section 101(a)(15)(H)(v)(a) shall terminate if the nonimmigrant is unemployed for 45 or more consecutive days.

''(B) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to return to the country of the alien's nationality or last residence.

''(C) PERIOD OF VISA VALIDITY.—Any alien, whose period of authorized admission terminates under subparagraph (A), who returns to the country of the alien's nationality or last residence under subparagraph (B), may reenter the United States on the basis of the same visa to work for an employer, if the alien has complied with the requirements of subsection (b)(1).

''(4) VISITS OUTSIDE UNITED STATES.—

''(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(H)(v)(a)—

''(i) may travel outside of the United States; and

''(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

''(e) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a), may accept new employment with a subsequent employer.

''(f) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act.

''(g) CHANGE OF ADDRESS.—An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall comply by either electronic or paper notification with the change of address reporting requirements under section 265.

''(h) BAR TO FUTURE VISAS FOR VIOLATIONS.—

''(1) IN GENERAL.—Any alien having the nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall not be eligible to renew such nonimmigrant status if the alien willfully violates any material term or condition of such status.

''(2) WAIVER.—The alien may apply for a waiver of the application of subparagraph (A) for technical violations, inadvertent errors, or violations for which the alien was not at fault.

''(i) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(w).''.

(b) CONFORMING AMENDMENT REGARDING PRESUMPTION OF NONIMMIGRANT STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting ''(H)(v)(a),'' after ''(H)(i),''.

(c) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

''Sec. 218A. Admission of temporary H–5A workers.''.

SEC. 1303. EMPLOYER OBLIGATIONS.

Employers employing a nonimmigrant described in section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by section 1301, shall comply with all applicable Federal, State, and local laws, including—

(1) laws affecting migrant and seasonal agricultural workers; and

(2) the requirements under section 274E of such Act, as added by section 1402.

SEC. 1304. PROTECTION FOR WORKERS.

Section 218A of the Immigration and Nationality Act, as added by section 1302, is amended by adding at the end the following:

''(h) APPLICATION OF LABOR AND OTHER LAWS.—

''(1) DEFINITIONS.—As used in this subsection and in subsections (i) through (k):

''(A) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

''(B) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

''(C) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(v)(a).

''(2) COVERAGE.—Notwithstanding any other provision of law—

''(A) a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) is prohibited from being treated as an independent contractor; and

''(B) no person may treat a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as an independent contractor.

''(3) APPLICABILITY OF LAWS.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

''(4) TAX RESPONSIBILITIES.—With respect to each employed nonimmigrant alien described in section 101(a)(15)(H)(v)(a), an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

''(5) NONDISCRIMINATION IN EMPLOYMENT.—An employer shall provide nonimmigrants issued a visa under this section with the same wages, benefits, and working conditions that are provided by the employer to United States workers similarly employed in the same occupation and the same place of employment.

''(6) NO REPLACEMENT OF STRIKING EMPLOYEES.—An employer may not hire a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as a replacement worker if there is a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment.

''(7) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act. Nothing under this provision shall be construed to affect the interpretation of other laws.

''(8) NO THREATENING OF EMPLOYEES.—It shall be a violation of this section for an employer who has filed a petition under section 203(b) to threaten the alien beneficiary of such a petition with withdrawal of the application, or to withdraw such a petition in retaliation for the beneficiary's exercise of a right protected by the Secure America and Orderly Immigration Act.

''(9) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

''(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of Secure America and Orderly Immigration Act.

''(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of the Secure America and Orderly Immigration Act.

''(i) LABOR RECRUITERS.—

''(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose to each such worker who is recruited for employment the following information at the time of the worker's recruitment:

''(A) The place of employment.

''(B) The compensation for the employment.

''(C) A description of employment activities.

''(D) The period of employment.

''(E) Any other employee benefit to be provided and any costs to be charged for each benefit.

''(F) Any travel or transportation expenses to be assessed.

''(G) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

''(H) The existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers.

''(I) The extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work related injuries and death, during the period of employment and, if so, the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

''(J) Any education or training to be provided or required, including the nature and cost of such training, who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

''(K) A statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

''(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

''(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Department of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

''(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

''(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

''(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

''(7) OTHER WORKER PROTECTIONS.—

''(A) NOTIFICATION.—Every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for or on behalf of the employer.

''(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

''(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

''(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed. Such process shall include requirements under paragraphs (1), (4), and (5) of section 1812 of title 29, United States Code, an expeditious means to update registrations and renew certificates and any other requirements the Secretary may prescribe.

''(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

''(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph. The justification for such refusal, suspension, or revocation may include the following:

''(I) The application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate.

''(II) The applicant for or holder of the certification is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify for a certificate under this paragraph.

''(III) The applicant for or holder of the certification has failed to comply with the Secure America and Orderly Immigration Act.

''(C) REMEDY FOR VIOLATIONS.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (j) and (k). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (j) and (k). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under this subsections (j) and (k).

''(D) EMPLOYER NOTIFICATION.—An employer shall notify the Secretary of Labor any time the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

''(E) WRITTEN AGREEMENTS.—No foreign labor contractor shall violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

''(F) BONDING REQUIREMENT.—The Secretary of Labor may require a foreign labor contractor under this subsection to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

''(j) ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary of Labor shall prescribe regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

''(2) DEFINITION.—As used in this subsection, an 'aggrieved person' is a person adversely affected by the alleged violation, including—

''(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

''(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

''(3) FILING DEADLINE.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

''(4) REASONABLE CAUSE.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

''(5) NOTICE AND HEARING.—

''(A) IN GENERAL.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

''(B) COMPLAINT.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

''(C) HEARING DEADLINE.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (6).

''(6) ATTORNEYS' FEES.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

''(7) POWER OF THE SECRETARY.—The Secretary may bring an action in any court of competent jurisdiction—

''(A) to seek remedial action, including injunctive relief;

''(B) to recover the damages described in subsection (k); or

''(C) to ensure compliance with terms and conditions described in subsection (i).

''(8) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

''(9) PROCEDURES IN ADDITION TO OTHER RIGHTS OF EMPLOYEES.—The rights and remedies provided to workers under this section are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

''(k) PENALTIES.—

''(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (h) or (i), the Secretary may impose administrative remedies and penalties, including—

''(A) back wages;

''(B) fringe benefits; and

''(C) civil monetary penalties.

''(2) CIVIL PENALTIES.—The Secretary of Labor may impose, as a civil penalty—

''(A) for a violation of subsection (h)—

''(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

''(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

''(iii) if the violation was willful and if in the course of such violation a United States

worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

''(B) for a violation of subsection (i)—

''(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

''(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

''(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

''(3) USE OF CIVIL PENALTIES.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

''(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (i) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined not more than $35,000 fine, or both.''.

SEC. 1305. MARKET-BASED NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)'';

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

(C) by adding at the end the following:

''(C) under section 101(a)(15)(H)(v)(a), may not exceed—

''(i) 400,000 for the first fiscal year in which the program is implemented;

''(ii) in any subsequent fiscal year—

''(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

''(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

''(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

''(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

''(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.''; and

(2) by adding at the end the following:

''(9)(A) Of the total number of visas allocated for each fiscal year under paragraph (1)(C)—

''(i) 50,000 visas shall be allocated to qualifying counties; and

''(ii) any of the visas allocated under clause (i) that are not issued by June 30 of such fiscal year, may be made available to any qualified applicant.

''(B) In this paragraph, the term 'qualifying county' means any county that—

''(i) that is outside a metropolitan statistical area; and

''(ii) during the 20-year-period ending on the last day of the calendar year preceding the date of enactment of the Secure America and Orderly Immigration Act, experienced a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

''(10) In allocating visas under this subsection, the Secretary of State may take any additional measures necessary to deter illegal immigration.''.

SEC. 1306. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) upon the filing of a petition for such a visa—

''(A) by the alien's employer; or

''(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

''(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) may not apply for adjustment of status under this section unless the alien—

''(A) is physically present in the United States; and

''(B) the alien establishes that the alien—

''(i) meets the requirements of section 312; or

''(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

''(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

''(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(v)(a).

''(5) The limitation under section 302(d) regarding the period of authorized stay shall not apply to any alien having nonimmigrant status under section 101(a)(15)(H)(v)(a) if—

''(A) a labor certification petition filed under section 203(b) on behalf of such alien is pending; or

''(B) an immigrant visa petition filed under section 204(b) on behalf of such alien is pending.

''(6) The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under paragraph (5) in 1-year increments until a final decision is made on the alien's lawful permanent residence.

''(7) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) from filing an application for adjustment of status under this section in accordance with any other provision of law.''.

SEC. 1307. ESSENTIAL WORKER VISA PROGRAM TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Essential Worker Visa Program Task Force (referred to in this section as the ''Task Force'').

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the Essential Worker Visa Program (referred to in this section as the ''Program'') established under this title; and

(B) to make recommendations to Congress with respect to such program.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the Democratic Party in the Senate, in consultation with the leader of the Democratic Party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia;

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the Program has been implemented.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(b) DUTIES.—The Task Force shall examine and make recommendations regarding the Program, including recommendations regarding—

(1) the development and implementation of the Program;

(2) the criteria for the admission of temporary workers under the Program;

(3) the formula for determining the yearly numerical limitations of the Program;

(4) the impact of the Program on immigration;

(5) the impact of the Program on the United States workforce and United States businesses; and

(6) any other matters regarding the Program that the Task Force considers appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Task Force may seek directly from any Federal department or agency such information, including suggestions, estimates, and statistics, as the Task Force considers necessary to carry out the provisions of this section. Upon request of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable base, provide the Task Force with administrative support and other services for the performance of the Task Force's functions. The departments and agencies of the United States may provide the Task Force with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the Program has been implemented, the Task Force shall submit a report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains—

(A) findings with respect to the duties of the Task Force;

(B) recommendations for improving the Program; and

(C) suggestions for legislative or administrative action to implement the Task Force recommendations.

(2) FINAL REPORT.—Not later than 4 years after the submission of the initial report under paragraph (1), the Task Force shall submit a final report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains additional findings, recommendations, and suggestions, as described in paragraph (1).

SEC. 1308. WILLING WORKER-WILLING EMPLOYER ELECTRONIC JOB REGISTRY.

(a) ESTABLISHMENT.—The Secretary of Labor shall direct the coordination and modification of the national system of public labor exchange services (commonly known as ''America's Job Bank'') in existence on the date of enactment of this Act to provide information on essential worker employment opportunities available to United States workers and nonimmigrant workers under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by this Act.

(b) RECRUITMENT OF UNITED STATES WORKERS.—Before the completion of evidence of employment for a potential nonimmigrant worker under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a), an employer shall attest that the employer has posted in the Job Registry for not less than 30 days in order to recruit United States workers. An employer shall maintain records for not less than 1 year demonstrating why United States workers who applied were not hired.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall maintain electronic job registry records, as established by regulation, for the purpose of audit or investigation.

(d) ACCESS TO JOB REGISTRY.—

(1) CIRCULATION IN INTERSTATE EMPLOYMENT SERVICE SYSTEM.—The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this section are accessible by the State workforce agencies, which may further disseminate job opportunity information to other interested parties.

(2) INTERNET.—The Secretary of Labor shall ensure that the Internet-based electronic job registry established or approved under this section may be accessed by workers, employers, labor organizations, and other interested parties.

SEC. 1309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this title and the amendments made by this title for the period beginning on the date of enactment of this Act and ending on the last day of the sixth fiscal year beginning after the effective date of the regulations promulgated by the Secretary to implement this title.

TITLE IV—ENFORCEMENT

SEC. 1401. DOCUMENT AND VISA REQUIREMENTS.

(a) IN GENERAL.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

''(3) VISAS AND IMMIGRATION RELATED DOCUMENT REQUIREMENTS.—

''(A) Visas issued by the Secretary of State and immigration related documents issued by the Secretary of State or the Secretary of Homeland Security shall comply with authentication and biometric standards recognized by domestic and international standards organizations.

''(B) Such visas and documents shall—

''(i) be machine-readable and tamper-resistant;

''(ii) use biometric identifiers that are consistent with the requirements of section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732), and represent the benefits and status set forth in such section;

''(iii) comply with the biometric and document identifying standards established by the International Civil Aviation Organization; and

''(iv) be compatible with the United States Visitor and Immigrant Status Indicator Technology and the employment verification system established under section 274E.

''(C) The information contained on the visas or immigration related documents described in subparagraph (B) shall include—

''(i) the alien's name, date and place of birth, alien registration or visa number, and, if applicable, social security number;

''(ii) the alien's citizenship and immigration status in the United States; and

''(iii) the date that such alien's authorization to work in the United States expires, if appropriate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of enactment of this Act.

SEC. 1402. EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

''EMPLOYMENT ELIGIBILITY

''SEC. 274E. (a) EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—

''(1) IN GENERAL.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish an Employment Eligibility Confirmation System (referred to in this section as the 'System') through which the Commissioner responds to inquiries made by employers who have hired individuals concerning each individual's identity and employment authorization.

''(2) MAINTENANCE OF RECORDS.—The Commissioner shall electronically maintain records by which compliance under the System may be verified.

''(3) OBJECTIVES OF THE SYSTEM.—The System shall—

''(A) facilitate the eventual transition for all businesses from the employer verification system established in section 274A with the System;

''(B) utilize, as a central feature of the System, machine-readable documents that contain encrypted electronic information to verify employment eligibility; and

''(C) provide for the evidence of employment required under section 218A.

''(4) INITIAL RESPONSE.—The System shall provide—

''(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility not later than 1 working day after the initial inquiry; and

''(B) an appropriate code indicating such confirmation or tentative nonconfirmation.

''(5) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—

''(A) ESTABLISHMENT.—For cases of tentative nonconfirmation, the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish a secondary verification process. The employer shall make the secondary verification inquiry not later than 10 days after receiving a tentative nonconfirmation.

''(B) DISCREPANCIES.—If an employee chooses to contest a secondary nonconfirmation, the employer shall provide the employee with a referral letter and instruct the employee to visit an office of the Department of Homeland Security or the Social Security Administration to resolve the discrepancy not later than 10 working days after the receipt of such referral letter in order to obtain confirmation.

''(C) FAILURE TO CONTEST.—An individual's failure to contest a confirmation shall not constitute knowledge (as defined in section 274a.1(l) of title 8, Code of Federal Regulations.

''(6) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed, implemented, and operated—

''(A) to maximize its reliability and ease of use consistent with protecting the privacy and security of the underlying information through technical and physical safeguards;

''(B) to allow employers to verify that a newly hired individual is authorized to be employed;

''(C) to permit individuals to—

''(i) view their own records in order to ensure the accuracy of such records; and

''(ii) contact the appropriate agency to correct any errors through an expedited process established by the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security; and

''(D) to prevent discrimination based on national origin or citizenship status under section 274B.

''(7) UNLAWFUL USES OF SYSTEM.—It shall be an unlawful immigration-related employment practice—

''(A) for employers or other third parties to use the System selectively or without authorization;

''(B) to use the System prior to an offer of employment;

''(C) to use the System to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

''(D) to use the System to deny certain employment benefits, otherwise interfere with the labor rights of employees, or any other unlawful employment practice; or

''(E) to take adverse action against any person, including terminating or suspending an employee who has received a tentative nonconfirmation.

''(b) EMPLOYMENT ELIGIBILITY DATABASE.—

''(1) REQUIREMENT.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security and other appropriate agencies, shall design, implement, and maintain an Employment Eligibility Database (referred to in this section as the 'Database') as described in this subsection.

''(2) DATA.—The Database shall include, for each individual who is not a citizen or national of the United States, but is authorized or seeking authorization to be employed in the United States, the individual's—

''(A) country of origin;

''(B) immigration status;

''(C) employment eligibility;

''(D) occupation;

''(E) metropolitan statistical area of employment;

''(F) annual compensation paid;

''(G) period of employment eligibility;

''(H) employment commencement date; and

''(I) employment termination date.

''(3) REVERIFICATION OF EMPLOYMENT ELIGIBILITY.—The Commissioner of Social Security shall prescribe, by regulation, a system to annually reverify the employment eligibility of each individual described in this section—

''(A) by utilizing the machine-readable documents described in section 221(a)(3); or

''(B) if machine-readable documents are not available, by telephonic or electronic communication.

''(4) CONFIDENTIALITY.—

''(A) ACCESS TO DATABASE.—No officer or employee of any agency or department of the United States, other than individuals responsible for the verification of employment eligibility or for the evaluation of the employment verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information contained in the Database.

''(B) PROTECTION FROM UNAUTHORIZED DISCLOSURE.—Information in the Database shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to design, implement, and maintain the Database.

''(c) GRADUAL IMPLEMENTATION.—The Commissioner of Social Security, in coordination with the Secretary of Homeland Security and the Secretary of Labor shall develop a plan to phase all workers into the Database and phase out the employer verification system established in section 274A over a period of time that the Commissioner determines to be appropriate.

''(d) EMPLOYER RESPONSIBILITIES.—Each employer shall—

''(1) notify employees and prospective employees of the use of the System and that the System may be used for immigration enforcement purposes;

''(2) verify the identification and employment authorization status for newly hired individuals described in section 101(a)(15)(H)(v)(a) not later than 3 days after the date of hire;

''(3) use—

''(A) a machine-readable document described in subsection (a)(3)(B); or

''(B) the telephonic or electronic system to access the Database;

''(4) provide, for each employer hired, the occupation, metropolitan statistical area of employment, and annual compensation paid;

''(5) retain the code received indicating confirmation or nonconfirmation, for use in investigations described in section 212(n)(2); and

''(6) provide a copy of the employment verification receipt to such employees.

''(e) GOOD-FAITH COMPLIANCE.—

''(1) AFFIRMATIVE DEFENSE.—A person or entity that establishes good faith compliance with the requirements of this section with respect to the employment of an individual in the United States has established an affirmative defense that the person or entity has not violated this section.

''(2) LIMITATION.—Paragraph (1) shall not apply if a person or entity engages in an unlawful immigration-related employment practice described in subsection (a)(7).''.

(b) INTERIM DIRECTIVE.—Before the implementation of the Employment Eligibility Confirmation System (referred to in this section as the ''System'') established under section 274E of the Immigration and Nationality Act, as added by subsection (a), the Commissioner of Social Security, in coordination with the Secretary of Homeland Security, shall, to the maximum extent practicable, implement an interim system to confirm employment eligibility that is consistent with the provisions of such section.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 3 months after the last day of the second year and of the third year that the System is in effect, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the System.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the impact of the System on the employment of unauthorized workers;

(B) an assessment of the accuracy of the Employment Eligibility Database maintained by the Department of Homeland Security and Social Security Administration databases, and timeliness and accuracy of responses from the Department of Homeland Security and the Social Security Administration to employers;

(C) an assessment of the privacy, confidentiality, and system security of the System;

(D) assess whether the System is being implemented in a nondiscriminatory manner; and

(E) include recommendations on whether or not the System should be modified.

SEC. 1403. IMPROVED ENTRY AND EXIT DATA SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking ''Justice'' and inserting ''Homeland Security'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) collects the biometric machine-readable information from an alien's visa or immigration-related document described in section 221(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1201(a)(3) at the time an alien arrives in the United States and at the time an alien departs from the United States to determine if such alien is entering, or is present in, the United States unlawfully.''; and

(3) in subsection (f)(1), by striking ''Departments of Justice and State'' and inserting ''Department of Homeland Security and the Department of State''.

SEC. 1404. DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (J); and

(2) by inserting after subparagraph (G) the following:

''(H)(i) The Secretary of Labor may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(H)(v)(a) if the Secretary, or the Secretary's designee—

''(I) certifies that reasonable cause exists to believe that the employer is out of compliance with the Secure America and Orderly Immigration Act or section 274E; and

''(II) approves the commencement of the investigation.

''(ii) In determining whether reasonable cause exists to initiate an investigation under this section, the Secretary shall—

''(I) monitor the Willing Worker-Willing Employer Electronic Job Registry;

''(II) monitor the Employment Eligibility Confirmation System, taking into consideration whether—

''(aa) an employer's submissions to the System generate a high volume of tentative nonconfirmation responses relative to other comparable employers;

''(bb) an employer rarely or never screens hired individuals;

''(cc) individuals employed by an employer rarely or never pursue a secondary verification process as established in section 274E; or

''(dd) any other indicators of illicit, inappropriate or discriminatory use of the System, especially those described in section 274E(a)(6)(D), exist; and

''(III) consider any additional evidence that the Secretary determines appropriate.

''(iii) Absent other evidence of noncompliance, an investigation under this subparagraph should not be initiated for lack of completeness or obvious inaccuracies by the employer in complying with section 101(a)(15)(H)(v)(a).''.

SEC. 1405. PROTECTION OF EMPLOYMENT RIGHTS.

The Secretary and the Secretary of Homeland Security shall establish a process under which a nonimmigrant worker described in clause (ii)(b) or (v)(a) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) who files a nonfrivolous complaint regarding a violation of this section and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States with an employer for a period not to exceed the maximum period of stay authorized for that nonimmigrant classification.

SEC. 1406. INCREASED FINES FOR PROHIBITED BEHAVIOR.

Section 274B(g)(2)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(B)(iv)) is amended—

(1) in subclause (I), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $500 and not more than $4,000'';

(2) in subclause (II), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $4,000 and not more than $10,000''; and

(3) in subclause (III), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $6,000 and not more than $20,000''.

TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS

SEC. 1501. LABOR MIGRATION FACILITATION PROGRAMS.

(a) AUTHORITY FOR PROGRAM.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into an agreement to establish and administer a labor migration facilitation program jointly with the appropriate official of a foreign government whose citizens participate in the temporary worker program authorized under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)).

(2) PRIORITY.—In establishing programs under subsection (a), the Secretary of State shall place a priority on establishing such programs with foreign governments that have a large number of nationals working as temporary workers in the United States under such section 101(a)(15)(H)(v)(a). The Secretary shall enter into such agreements not later than 3 months after the date of enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Labor, to confer with a foreign government—

(i) to establish and implement a program to assist temporary workers from such a country to obtain nonimmigrant status under such section 101(a)(15)(H)(v)(a);

(ii) to establish programs to create economic incentives for aliens to return to their home country;

(B) the foreign government to monitor the participation of its nationals in such a temporary worker program, including departure from and return to a foreign country;

(C) the foreign government to develop and promote a reintegration program available to such individuals upon their return from the United States;

(D) the foreign government to promote or facilitate travel of such individuals between the country of origin and the United States; and

(E) any other matters that the foreign government and United States find appropriate to enable such individuals to maintain strong ties to their country of origin.

SEC. 1502. BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(2) Mexico comprises a prime source of migration to the United States.

(3) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(4) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(5) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(6) A majority of Mexican businesses are small or medium size with limited access to financial capital.

(7) These factors constitute a major impediment to broad-based economic growth in Mexico.

(8) Approximately 20 percent of Mexico's population works in agriculture, with the majority of this population working on small farms and few on large commercial enterprises.

(9) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(10) The Presidents of Mexico and the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, agreed to promote economic growth, competitiveness, and quality of life in the agreement on Security and Prosperity Partnership of North America.

(b) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Partnership for Prosperity to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(1) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(2) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(3) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(A) provide long term credit to borrowers;

(B) develop a viable network of regional and local intermediary lending institutions; and

(C) extend financing for alternative rural economic activities beyond direct agricultural production;

(4) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(5) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(6) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(7) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(8) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(9) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(c) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(1) increasing health care access for poor and under served populations in Mexico;

(2) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the United States–Mexico border region;

(3) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(4) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION

SEC. 1601. ELIMINATION OF EXISTING BACKLOGS.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 480,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those years; and

''(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.''.

(b) EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

''(1) 290,000;

''(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

''(3) the difference between—

''(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

''(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.''.

SEC. 1602. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking '', (4), and (5)'' and inserting ''and (4)''; and

(B) by striking ''7 percent (in the case of a single foreign state) or 2 percent'' and inserting ''10 percent (in the case of a single foreign state) or 5 percent''; and

(2) by striking paragraph (5).

SEC. 1603. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) PREFERENCE ALLOCATIONS FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

''(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the class specified in paragraph (4).

''(2) SPOUSES AND UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENT

ALIENS.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants—

''(A) who are the spouses or children of an alien lawfully admitted for permanent residence, which visas shall constitute not less than 77 percent of the visas allocated under this paragraph; or

''(B) who are the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

''(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the classes specified in paragraphs (1) and (2).

''(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States who are at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level plus any visas not required for the classes specified in paragraphs (1) through (3).''.

(b) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking ''28.6 percent'' and inserting ''20 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''20 percent'';

(3) in paragraph (3)(A)—

(A) by striking ''28.6 percent'' and inserting ''35 percent''; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking ''7.1 percent'' and inserting ''5 percent'';

(7) by inserting after paragraph (4), as redesignated, the following:

''(5) OTHER WORKERS.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States, or to nonimmigrants under section 101(a)(15)(H)(v)(a).''; and

(8) by striking paragraph (6).

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF SPECIAL IMMIGRANT.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking ''subject to the numerical limitations of section 203(b)(4),''.

(2) REPEAL OF TEMPORARY REDUCTION IN WORKERS' VISAS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

SEC. 1604. RELIEF FOR CHILDREN AND WIDOWS.

(a) IN GENERAL.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking ''spouses, and parents of a citizen of the United States'' and inserting ''(and their children who are accompanying or following to join them), the spouses (and their children who are accompanying or following to join them), and the parents of a citizen of the United States (and their children who are accompanying or following to join them)''.

(b) PETITION.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(ii) is amended by inserting ''or an alien child or alien parent described in the third sentence of section 201(b)(2)(A)(i)'' after ''section 201(b)(2)(A)(i)''.

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, CHILDREN, AND PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (c) (except subsection (c)(6)), any alien described in paragraph (2) who applied for adjustment of status prior to the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as defined in section 201(b)(2)(A)(i));

''(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b), as described in section 203(d); or

''(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).''.

(d) TRANSITION PERIOD.—Notwithstanding a denial of an application for adjustment of status not more than 2 years before the date of enactment of this Act, in the case of an alien whose qualifying relative died before the date of enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, filed not later than 1 year after the date of enactment of this Act.

SEC. 1605. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.

Section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(A), by striking ''125'' and inserting ''100''; and

(2) in subsection (f), by striking ''125'' each place it appears and inserting ''100''.

SEC. 1606. DISCRETIONARY AUTHORITY.

Section 212(i) of the Immigration and Nationality Act (8 U.S.C. 1182(i)) is amended—

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

(2) by inserting after paragraph (1) the following:

''(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

''(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

''(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's parent or child if, such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

''(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.''.

SEC. 1607. FAMILY UNITY.

Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (B)(iii)(I), by striking ''18'' and inserting ''21''; and

(2) in subparagraph (C)(ii)—

(A) by redesignating subclauses (1) and (2) as subclauses (I) and (II); and

(B) in subclause (II), as redesignated, by redesignating items (A), (B), (C), and (D) as items (aa), (bb), (cc), and (dd); and

(3) by adding at the end the following:

''(D) WAIVER.—

''(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under sections 201 and 203 if such petition was filed on or before the date of introduction of Secure America and Orderly Immigration Act.

''(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.''.

TITLE VII—H–5B NONIMMIGRANTS

SEC. 1701. H–5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by adding after section 250 the following:

''H–5B NONIMMIGRANTS

''SEC. 250A. (a) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) if the alien—

''(1) submits an application for such adjustment; and

''(2) meets the requirements of this section.

''(b) PRESENCE IN THE UNITED STATES.—The alien shall establish that the alien—

''(1) was present in the United States before the date on which the Secure America and Orderly Immigration Act was introduced, and has been continuously in the United States since such date; and

''(2) was not legally present in the United States on the date on which the Secure America and Orderly Immigration Act was introduced under any classification set forth in section 101(a)(15).

''(c) SPOUSES AND CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if the person is otherwise eligible under subsection (b)—

''(1) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b); or

''(2) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for an alien who, before the date on which the Secure America and Orderly Immigration Act was introduced in Congress, was the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b), or is eligible for such status, if—

''(A) the termination of the qualifying relationship was connected to domestic violence; and

''(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b).

''(d) OTHER CRITERIA.—

''(1) IN GENERAL.—An alien may be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), if the alien establishes that the alien—

''(A) is not inadmissible to the United States under section 212(a), except as provided in paragraph (2); or

''(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(2) GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility under paragraph (1)(A)—

''(A) paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

''(B) the Secretary of Homeland Security may not waive—

''(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

''(ii) section 212(a)(3) (relating to security and related grounds); or

''(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

''(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

''(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security other than under this paragraph to waive the provisions of section 212(a).

''(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who is applying for adjustment of status in accordance with this title for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced.

''(e) EMPLOYMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security may not adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) unless the alien establishes that the alien—

''(A) was employed in the United States, whether full time, part time, seasonally, or self-employed, before the date on which the Secure America and Orderly Immigration Act was introduced; and

''(B) has been employed in the United States since that date.

''(2) EVIDENCE OF EMPLOYMENT.—

''(A) CONCLUSIVE DOCUMENTS.—An alien may conclusively establish employment status in compliance with paragraph (1) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

''(i) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

''(ii) an employer; or

''(iii) a labor union, day labor center, or an organization that assists workers in matters related to employment.

''(B) OTHER DOCUMENTS.—An alien who is unable to submit a document described in clauses (i) through (iii) of subparagraph (A) may satisfy the requirement in paragraph (1) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

''(i) bank records;

''(ii) business records;

''(iii) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

''(iv) remittance records.

''(3) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

''(4) BURDEN OF PROOF.—An alien described in paragraph (1) who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

''(f) SPECIAL RULES FOR MINORS AND INDIVIDUALS WHO ENTERED AS MINORS.—The employment requirements under this section shall not apply to any alien under 21 years of age.

''(g) EDUCATION PERMITTED.—An alien may satisfy the employment requirements under this section, in whole or in part, by full-time attendance at—

''(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

''(2) a secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

''(h) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(1) SUBMISSION OF FINGERPRINTS.—An alien may not be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), unless the alien submits fingerprints in accordance with procedures established by the Secretary of Homeland Security.

''(2) BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize fingerprints and other data provided by the alien to conduct a background check of such alien relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status as described in this section.

''(3) EXPEDITIOUS PROCESSING.—The background checks required under paragraph (2) shall be conducted as expeditiously as possible.

''(i) PERIOD OF AUTHORIZED STAY AND APPLICATION FEE AND FINE.—

''(1) PERIOD OF AUTHORIZED STAY.—

''(A) IN GENERAL.—The period of authorized stay for a nonimmigrant described in section 101(a)(15)(H)(v)(b) shall be 6 years.

''(B) LIMITATION.—The Secretary of Homeland Security may not authorize a change from such nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of the 6-year period described in subparagraph (A). The Secretary may only extend such period to accommodate the processing of an application for adjustment of status under section 245B.

''(2) APPLICATION FEE.—The Secretary of Homeland Security shall impose a fee for filing an application for adjustment of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

''(3) FINES.—

''(A) IN GENERAL.—In addition to the fee required under paragraph (2), the Secretary of Homeland Security may accept an application for adjustment of status under this section only if the alien pays a $1,000 fine.

''(B) EXCEPTION.—Fines paid under this paragraph shall not be required from an alien under the age of 21.

''(4) COLLECTION OF FEES AND FINES.—All fees and fines collected under this section shall be deposited in the Treasury in accordance with section 286(w).

''(j) TREATMENT OF APPLICANTS.—

''(1) IN GENERAL.—An alien who files an application under this section, including the alien's spouse or child—

''(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

''(B) shall be granted permission to travel abroad;

''(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien, through conduct or criminal conviction, becomes ineligible for such adjustment of status; and

''(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3)) until employment authorization under subparagraph (A) is denied.

''(2) BEFORE APPLICATION PERIOD.—If an alien is apprehended after the date of enactment of this section, but before the promulgation of regulations pursuant to this section, and the alien can establish prima facie eligibility as a nonimmigrant under section 101(a)(15)(H)(v)(b), the Secretary of Homeland Security shall provide the alien with a reasonable opportunity, after promulgation of regulations, to file an application for adjustment.

''(3) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for adjustment of status under this title unless a final administrative determination has been made.

''(4) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status in accordance with this section. Such an alien shall not be required to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal, or voluntary departure order. If the Secretary of Homeland Security grants the application, the Secretary shall cancel such order. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable to the same extent as if the application had not been made.

''(k) ADMINISTRATIVE AND JUDICIAL REVIEW.—

''(1) ADMINISTRATIVE REVIEW.—

''(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority within the United States Citizenship and Immigration Services to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under this section.

''(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

''(2) JUDICIAL REVIEW.—

''(A) IN GENERAL.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under this section. Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (B).

''(B) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can

establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

''(C) JURISDICTION OF COURTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any cause or claim arising from a pattern or practice of the Secretary of Homeland Security in the operation or implementation of this section that is arbitrary, capricious, or otherwise contrary to law, and may order any appropriate relief.

''(ii) REMEDIES.—A district court may order any appropriate relief under clause (i) if the court determines that resolution of such cause or claim will serve judicial and administrative efficiency or that a remedy would otherwise not be reasonably available or practicable.

''(3) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section.

''(l) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may—

''(A) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application;

''(B) make any publication through which the information furnished by any particular applicant can be identified; or

''(C) permit anyone other than the sworn officers and employees of such agency or bureau to examine individual applications.

''(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

''(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

''(m) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment before the date on which the Secure America and Orderly Immigration Act is introduced, shall not, on that ground, be determined to have violated this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 250 the following:

''Sec. 250A. H–5B nonimmigrants.''.

SEC. 1702. ADJUSTMENT OF STATUS FOR H–5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

''ADJUSTMENT OF STATUS OF FORMER H–5B NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR LAWFUL PERMANENT RESIDENCE

''SEC. 245B. (a) REQUIREMENTS.—The Secretary shall adjust the status of an alien from nonimmigrant status under section 101(a)(15)(H)(v)(b) to that of an alien lawfully admitted for permanent residence under this section if the alien satisfies the following requirements:

''(1) COMPLETION OF EMPLOYMENT OR EDUCATION REQUIREMENT.—The alien establishes that the alien has been employed in the United States, either full time, part time, seasonally, or self-employed, or has met the education requirements of subsection (f) or (g) of section 250A during the period required by section 250A(e).

''(2) RULEMAKING.—The Secretary shall establish regulations for the timely filing and processing of applications for adjustment of status for nonimmigrants under section 101(a)(15)(H)(v)(b).

''(3) APPLICATION AND FEE.—The alien who applies for adjustment of status under this section shall pay the following:

''(A) APPLICATION FEE.—An alien who files an application under section 245B of the Immigration and Nationality Act, shall pay an application fee, set by the Secretary.

''(B) ADDITIONAL FINE.—Before the adjudication of an application for adjustment of status filed under this section, an alien who is at least 21 years of age shall pay a fine of $1,000.

''(4) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien establishes that the alien is not inadmissible under section 212(a), except for any provision of that section that is not applicable or waived under section 250A(d)(2).

''(5) MEDICAL EXAMINATION.—The alien shall undergo, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

''(6) PAYMENT OF INCOME TAXES.—

''(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required by section 250A(e) by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been met; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

''(7) BASIC CITIZENSHIP SKILLS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the alien shall establish that the alien—

''(i) meets the requirements of section 312; or

''(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

''(B) RELATION TO NATURALIZATION EXAMINATION.—An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

''(8) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—The Secretary shall conduct a security and law enforcement background check in accordance with procedures described in section 250A(h).

''(9) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), that such alien has registered under that Act.

''(b) TREATMENT OF SPOUSES AND CHILDREN.—

''(1) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

''(A) adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to the spouse or child of an alien who adjusts status to that of a permanent resident under this section; or

''(B) adjust the status to that of a lawful permanent resident under this section for an alien who was the spouse or child of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under section 245B in accordance with subsection (a), if—

''(i) the termination of the qualifying relationship was connected to domestic violence; and

''(ii) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status to that of a permanent resident under this section.

''(2) APPLICATION OF OTHER LAW.—In acting on applications filed under this subsection with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

''(c) JUDICIAL REVIEW; CONFIDENTIALITY; PENALTIES.—Subsections (n), (o), and (p) of section 250A shall apply to this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

''Sec. 245B. Adjustment of status of former H–5B nonimmigrant to that of person admitted for lawful permanent residence.''.

SEC. 1703. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (A) or (B) of''; and

(2) by adding at the end the following:

''(F) Aliens whose status is adjusted from the status described in section 101(a)(15)(H)(v)(b).''.

SEC. 1704. EMPLOYER PROTECTIONS.

(a) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under section 245B or 250A of the Immigration and Nationality Act, as added by this title, shall not be subject to civil and criminal tax liability relating directly to the employment of such alien prior to such alien receiving employment authorization under this title.

(b) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under section 245B or 250A of the Immigration and Nationality Act or any other application or petition pursuant to any other immigration law, shall not be subject to civil and criminal liability under section 274A of such Act for employing such unauthorized aliens.

(c) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 1705. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 245B and 250A of the Immigration and Nationality Act, as added by this Act.

TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD

SEC. 1801. RIGHT TO QUALIFIED REPRESENTATION.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

''RIGHT TO QUALIFIED REPRESENTATION IN IMMIGRATION MATTERS

''SEC. 292. (a) AUTHORIZED REPRESENTATIVES IN IMMIGRATION MATTERS.—Only the following individuals are authorized to represent an individual in an immigration matter before any Federal agency or entity:

''(1) An attorney.

''(2) A law student who is enrolled in an accredited law school, or a graduate of an accredited law school who is not admitted to the bar, if—

''(A) the law student or graduate is appearing at the request of the individual to be represented;

''(B) in the case of a law student, the law student has filed a statement that the law student is participating, under the direct supervision of a faculty member, attorney, or accredited representative, in a legal aid program or clinic conducted by a law school or nonprofit organization, and that the law student is appearing without direct or indirect remuneration from the individual the law student represents;

''(C) in the case of a graduate, the graduate has filed a statement that the graduate is appearing under the supervision of an attorney or accredited representative and that the graduate is appearing without direct or indirect remuneration from the individual the graduate represents; and

''(D) the law student's or graduate's appearance is—

''(i) permitted by the official before whom the law student or graduate wishes to appear; and

''(ii) accompanied by the supervising faculty member, attorney, or accredited representative, to the extent required by such official.

''(3) Any reputable individual, if—

''(A) the individual is appearing on an individual case basis, at the request of the individual to be represented;

''(B) the individual is appearing without direct or indirect remuneration and the individual files a written declaration to that effect, except as described in subparagraph (D);

''(C) the individual has a pre-existing relationship or connection with the individual entitled to representation, such as a relative, neighbor, clergyman, business associate, or personal friend, except that this requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

''(D) if making a personal appearance on behalf of another individual, the appearance is permitted by the official before whom the individual wishes to appear, except that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself or herself out to the public as qualified to do so.

''(4) An individual representing a recognized organization (as described in subsection (f)) who has been approved to serve as an accredited representative by the Board of Immigration Appeals under subsection (f)(2).

''(5) An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his or her official capacity and with the consent of the person to be represented.

''(6) An individual who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which the individual resides and who is engaged in such practice, if the person represents persons only in matters outside the United States and that the official before whom such person wishes to appear allows such representation, as a matter of discretion.

''(7) An attorney, or an organization represented by an attorney, may appear, on a case-by-case basis, as amicus curiae, if the Board of Immigration Appeals grants such permission and the public interest will be served by such appearance.

''(b) FORMER EMPLOYEES.—No individual previously employed by the Department of Justice, Department of State, Department of Labor, or Department of Homeland Security may be permitted to act as an authorized representative under this section, if such authorization would violate any other applicable provision of Federal law or regulation. In addition, any application for such authorization must disclose any prior employment by or contract with such agencies for services of any nature.

''(c) ADVERTISING.—Only an attorney or an individual approved under subsection (f)(2) as an accredited representative may advertise or otherwise hold themselves out as being able to provide representation in an immigration matter. This provision shall in no way be deemed to diminish any Federal or State law to regulate, control, or enforce laws regarding such advertisement, solicitation, or offer of representation.

''(d) REMOVAL PROCEEDINGS.—In any proceeding for the removal of an individual from the United States and in any appeal proceedings from such proceeding, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than a person described in subsection (a) may cause the representative to be subject to civil penalties or such other penalties as may be applicable.

''(e) BENEFITS FILINGS.—In any filing or submission for an immigration related benefit or a determination related to the immigration status of an individual made to the Department of Homeland Security, the Department of Labor, or the Department of State, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than an individual described in subsection (a) is cause for the representative to be subject to civil or criminal penalties, as may be applicable.

''(f) RECOGNIZED ORGANIZATIONS AND ACCREDITED REPRESENTATIVES.—

''(1) RECOGNIZED ORGANIZATIONS.—

''(A) IN GENERAL.—The Board of Immigration Appeals may determine that a person is a recognized organization if such person—

''(i) is a nonprofit religious, charitable, social service, or similar organization established in the United States that—

''(I) is recognized by the Board of Immigration Appeals; and

''(II) is authorized to designate a representative to appear in an immigration matter before the Department of Homeland Security or the Executive Office for Immigration Review of the Department of Justice; and

''(ii) demonstrates to the Board that such person—

''(I) makes only nominal charges and assesses no excessive membership dues for individuals given assistance; and

''(II) has at its disposal adequate knowledge, information, and experience.

''(B) BONDING.—The Board, in its discretion, may impose a bond requirement on new organizations seeking recognition.

''(C) REPORTING OBLIGATIONS.—Recognized organizations shall promptly notify the Board when the organization no longer meets the requirements for recognition or when an accredited representative employed by the recognized organization ceases to be employed by the recognized organization.

''(2) ACCREDITED REPRESENTATIVES.—The Board of Immigration Appeals shall approve any qualified individual designated by a recognized organization to serve as an accredited representative. Such individual must be employed by the recognized organization and must meet all requirements set forth in this section and in the accompanying regulations to be authorized to represent individuals in an immigration matter. Accredited representatives, through their recognized organizations, must certify their continuing eligibility for accreditation every 3 years with the Board of Immigration Appeals. Accredited representatives who fail to comply with these requirements shall not have authority to represent persons in an immigration matter for the recognized organization.

''(g) PROHIBITED ACTS.—An individual, other than an individual authorized to represent an individual under this section, may not—

''(1) directly or indirectly provide or offer representation regarding an immigration matter for compensation or contribution;

''(2) advertise or solicit representation in an immigration matter;

''(3) retain any compensation provided for a prohibited act described in paragraph (1) or (2), regardless of whether any petition, application, or other document was filed with any government agency or entity and regardless of whether a petition, application, or other document was prepared or represented to have been prepared by such individual;

''(4) represent directly or indirectly that the individual is an attorney or supervised

by or affiliated with an attorney, when such representation is false; or

''(5) violate any applicable civil or criminal statute or regulation of a State regarding the provision of representation by providing or offering to provide immigration or immigration-related assistance referenced in this subsection.

''(h) CIVIL ENFORCEMENT.—

''(1) IN GENERAL.—Any person, or any entity acting for the interests of itself, its members, or the general public (including a Federal law enforcement official or agency or law enforcement official or agency of any State or political subdivision of a State), that has reason to believe that any person is being or has been injured by reason of a violation of subsection (g) may commence a civil action in any court of competent jurisdiction.

''(2) REMEDIES.—

''(A) DAMAGES.—In any civil action brought under this subsection, if the court finds that the defendant has violated subsection (g), it shall award actual damages, plus the greater of—

''(i) an amount treble the amount of actual damages; or

''(ii) $1,000 per violation.

''(B) INJUNCTIVE RELIEF.—The court may award appropriate injunctive relief, including temporary, preliminary, or permanent injunctive relief, and restitution. Injunctive relief may include, where appropriate, an order temporarily or permanently enjoining the defendant from providing any service to any person in any immigration matter. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the commission of any act described in subsection (g).

''(C) ATTORNEY'S FEES.—The court shall also grant a prevailing plaintiff reasonable attorney's fees and costs, including expert witness fees.

''(D) CIVIL PENALTIES.—The court may also assess a civil penalty not exceeding $50,000 for a first violation, and not exceeding $100,000 for subsequent violations.

''(E) CUMULATIVE REMEDIES.—Unless otherwise expressly provided, the remedies or penalties provided under this paragraph are cumulative to each other and to the remedies or penalties available under all other Federal laws or laws of the jurisdiction where the violation occurred.

''(3) NONPREEMPTION.—Nothing in this subsection shall be construed to preempt any other private right of action or any right of action pursuant to the laws of any jurisdiction.

''(4) DISCOVERY.—Information obtained through discovery in a civil action under this subsection shall not be used in any criminal action. Upon the request of any party to a civil action under this subsection, any part of the court file that makes reference to information discovered in a civil action under this subsection may be sealed.

''(i) NONPREEMPTION OF MORE PROTECTIVE STATE AND LOCAL LAWS.—The provisions of this section supersede laws, regulations, and municipal ordinances of any State only to the extent such laws, regulations, and municipal ordinances impede the application of any provision of this section. Any State or political subdivision of a State may impose requirements supplementing those imposed by this section.

''(j) DEFINITIONS.—As used in this section—

''(1) the term 'attorney' means a person who—

''(A) is a member in good standing of the bar of the highest court of a State; and

''(B) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting such person in the practice of law;

''(2) the term 'compensation' means money, property, labor, promise of payment, or any other consideration provided directly or indirectly to an individual

''(3) the term 'immigration matter' means any proceeding, filing, or action affecting the immigration or citizenship status of any person, which arises under any immigration or nationality law, Executive order, Presidential proclamation, or action of any Federal agency;

''(4) the term 'representation', when used with respect to the representation of a person, includes—

''(A) the appearance, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client, before any Federal agency or officer; and

''(B) the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers; and

''(5) the term 'State' includes a State or an outlying possession of the United States.''.

SEC. 1802. PROTECTION OF WITNESS TESTIMONY.

(a) DEFINITION.—Section 101(a)(15)(U)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(i)) is amended—

(1) by inserting in subclause (I) after the phrase ''clause (iii)'' the following: ''or has suffered substantial financial, physical, or mental harm as the result of a prohibited act described in section 292;''

(2) by inserting in subclause (II) after the phrase ''clause (iii)'' the following: ''or section 292'';

(3) by inserting in subclause (III) after the phrase ''clause (iii)'' the following: ''or section 292''; and

(4) by inserting in subclause (IV) after the phrase ''clause (iii)'' the following: ''or section 292''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(p) of the Immigration and Nationality Act of (8 U.S.C. 1184(p)) is amended—

(1) in paragraph (1), by inserting ''or section 274E'' after ''section 101(a)(15)(U)(iii)'' each place it appears; and

(2) in paragraph (2)(A), by striking ''10,000'' and inserting ''15,000''.

TITLE IX—CIVICS INTEGRATION

SEC. 1901. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the ''Foundation''), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship (as described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship.

SEC. 1902. CIVICS INTEGRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a competitive grant program to fund—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; or

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE X—PROMOTING ACCESS TO HEALTH CARE

SEC. 2001. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note) is amended—

(1) by striking ''2008'' and inserting ''2011''; and

(2) in subsection (c)(5), by adding at the end the following:

''(D) Nonimmigrants described in section 101(a)(15)(H)(v) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)''.

SEC. 2002. PROHIBITION AGAINST OFFSET OF CERTAIN MEDICARE AND MEDICAID PAYMENTS.

Payments made under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note)—

(1) shall not be considered ''third party coverage'' for the purposes of section 1923 of the Social Security Act (42 U.S.C. 1396r–4); and

(2) shall not impact payments made under such section of the Social Security Act.

SEC. 2003. PROHIBITION AGAINST DISCRIMINATION AGAINST ALIENS ON THE BASIS OF EMPLOYMENT IN HOSPITAL-BASED VERSUS NONHOSPITAL-BASED SITES.

Section 214(l)(1)(C) of the Immigrant and Nationality Act (8 U.S.C. 1184(l)(1)(C) is amended—

(1) in clause (i), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(iii) such interested Federal agency or interested State agency, in determining which aliens will be eligible for such waivers, does not utilize selection criteria, other than as described in this subsection, that discriminate on the basis of the alien's employment in a hospital-based versus nonhospital-based facility or organization; and''.

SEC. 2004. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academies (referred to in this section as the ''Institute'') to study binational public health infrastructure and health insurance efforts.

(2) INPUT.—In conducting the study under paragraph (1), the Institute shall solicit input from border health experts and health insurance companies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into a contract under subsection (a), the Institute shall submit a report concerning the study conducted under subsection (a) to the Secretary of Health and Human Services and the appropriate committees of Congress.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

TITLE XI—MISCELLANEOUS

SEC. 2101. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H–5A NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Secretary of State and the Secretary of Homeland Security shall maintain an accurate count of the number of aliens subject to the numerical limitations under section 214(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) who are issued visas or otherwise provided nonimmigrant status.

(b) PROVISION OF INFORMATION.—

(1) QUARTERLY NOTIFICATION.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of State and the Secretary of Homeland Security shall submit quarterly reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a) of the Immigrant and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)) during the preceding 3-month period.

(2) ANNUAL SUBMISSION.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of Homeland Security shall submit annual reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, containing information on the countries of origin and occupations of, geographic area of employment in the United States, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under such section 101(a)(15)(H)(v)(a). The Secretary shall compile such reports based on the data reported by employers to the Employment Eligibility Confirmation System established in section 402.

SEC. 2102. H–5 NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w)(1) There is established in the general fund of the Treasury of the United States an account, which shall be known as the 'H–5 Nonimmigrant Petitioner Account'.

''(2) There shall be deposited as offsetting receipts into the H–5 Nonimmigrant Petitioners Account—

''(A) all fees collected under section 218A; and

''(B) all fines collected under section 212(n)(2)(I).

''(3) Of the fees and fines deposited into the H–5 Nonimmigrant Petitioner Account—

''(A) 53 percent shall remain available to the Secretary of Homeland Security for efforts related to the adjudication and implementation of the H–5 visa programs described in sections 221(a) and 250A and any other efforts necessary to carry out the provisions of the Secure America and Orderly Immigration Act and the amendments made by such Act, of which the Secretary shall allocate—

''(i) 10 percent shall remain available to the Secretary of Homeland Security for the border security efforts described in title I of the Secure America and Orderly Immigration Act.

''(ii) not more than 1 percent to promote public awareness of the H–5 visa program, to protect migrants from fraud, and to combat the unauthorized practice of law described in title III of the Secure America and Orderly Immigration Act;

''(iii) not more than 1 percent to the Office of Citizenship to promote civics integration activities described in section 901 of the Secure America and Orderly Immigration Act; and

''(iv) 2 percent for the Civics Integration Grant Program under section 902 of the Secure America and Orderly Immigration Act.

''(B) 15 percent shall remain available to the Secretary of Labor for the enforcement of labor standards in those geographic and occupational areas in which H–5A visa holders are likely to be employed and for other enforcement efforts under the Secure America and Orderly Immigration Act;

''(C) 15 percent shall remain available to the Commissioner of Social Security for the creation and maintenance of the Employment Eligibility Confirmation System described in section 402 of the Secure America and Orderly Immigration Act;

''(D) 15 percent shall remain available to the Secretary of State to carry out any necessary provisions of the Secure America and Orderly Immigration Act; and

''(E) 2 percent shall remain available to the Secretary of Health and Human Services for the reimbursement of hospitals serving individuals working under programs established in this Act.''.

SEC. 2103. ANTI-DISCRIMINATION PROTECTIONS.

Section 274B(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

''(B) is an alien who is—

''(i) lawfully admitted for permanent residence;

''(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

''(iii) admitted as a refugee under section 207;

''(iv) granted asylum under section 208; or

''(v) granted the status of nonimmigrant under section 101(a)(15)(H)(v).''.

SEC. 2104. WOMEN AND CHILDREN AT RISK OF HARM.

(a) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon at the end;

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

(3) by adding at the end the following:

''(N) subject to subsection (j), an immigrant who is not present in the United States—

''(i) who is—

''(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

''(aa) for whom no parent or legal guardian is able to provide adequate care;

''(bb) who faces a credible fear of harm related to his or her age;

''(cc) who lacks adequate protection from such harm; and

''(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

''(ii) who is—

''(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

''(II) determined by such official to be a female who has—

''(aa) a credible fear of harm related to her sex; and

''(bb) a lack of adequate protection from such harm.''.

(b) STATUTORY CONSTRUCTION.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

''(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

''(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

''(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

''(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

''(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

''(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

''(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).''.

(c) ALLOCATION OF SPECIAL IMMIGRANT VISAS.—Section 203(b)(4) of the Immigration Nationality Act (8 U.S.C. 1153(b)(4)) is amended by striking ''(A) or (B) thereof'' and inserting ''(A), (B), or (N) of such section''.

(d) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a), special immigrant status shall be adjudicated and, if granted, the alien shall be—

(1) paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)); and

(2) allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) not later than 1 year after the alien's arrival in the United States.

(e) REQUIREMENT PRIOR TO ENTRY INTO THE UNTIED STATES.—

(1) DATABASE SEARCH.—An alien may not be admitted to the United States under this section or an amendment made by this section until the Secretary of Homeland Security has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(2) COOPERATION AND SCHEDULE.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required by paragraph (1) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a).

(f) REQUIREMENT AFTER ENTRY INTO THE UNITED STATES.—

(1) REQUIREMENT TO SUBMIT FINGERPRINTS.—

(A) IN GENERAL.—Not later than 30 days after the date that an alien enters the United States under this section or an amendment made by this section, the alien shall be fingerprinted and submit to the Secretary of Homeland Security such fingerprints and any other personal biometric data required by the Secretary.

(B) OTHER REQUIREMENTS.—The Secretary of Homeland Security may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints under subparagraph (A).

(2) DATABASE SEARCH.—The Secretary of Homeland Security shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(3) COOPERATION AND SCHEDULE.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required under paragraph (2) is completed not later than 180 days after the date on which the alien enters the United States.

(4) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(A) ADMINISTRATIVE REVIEW.—An alien who is admitted to the United States under this section or an amendment made by this section who is determined to be ineligible for an adjustment of status pursuant to section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) may appeal such a determination through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. The Secretary of Homeland Security shall ensure that a determination on such appeal is made not later than 60 days after the date on which the appeal is filed.

(B) JUDICIAL REVIEW.—Nothing in this section, or in an amendment made by this section, may preclude application of section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)).

(g) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(1) data related to the implementation of this section and the amendments made by this section;

(2) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a); and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 2105. EXPANSION OF S VISA.

(a) EXPANSION OF S VISA CLASSIFICATION.—Section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(B) by striking ''or'' at the end; and

(2) in clause (ii)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''1956,'' and all that follows through ''the alien;'' and inserting the following: ''1956; or

''(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

''(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

''(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;''.

(b) NUMERICAL LIMITATION.—Section 214(k)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(1)) is amended to read as follows:

''(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 3,500.''.

SEC. 2106. VOLUNTEERS.

It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien, who is already present in the United States in violation of law to carry on the violation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.

SA 182. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATIONS TO THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.

(a) MODIFICATION OF THE INTEREST RATE FOR THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.—

(1) INTEREST RATE.—Section 402 (a)(2) of the Pension Protection Act of 2006 is amended by inserting ''and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)'' after ''such plan year''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

(b) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 402 of the Pension Protection Act of 2006 is amended—

(A) in subsection (d)(1), by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR PLANS YEARS NOT BEGINNING ON 1ST DAY OF MONTH.—For purposes of applying subparagraph (A), a plan year beginning during the 4-day period immediately preceding 2006 or 2007 shall be treated as beginning in 2006 or 2007, as the case may be.'', and

(B) in subsection (i)(1), by striking ''December 28, 2007'' and inserting ''January 1, 2008''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate. If an employer filed an election under section 402 of the Pension Protection Act of 2006 before January 1, 2007, the employer may, during the 60-day beginning on the date of the enactment of this Act, modify the election to reflect the amendments made by this subsection.

SA 183. Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION OF THE INTEREST RATE FOR THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.

(a) INTEREST RATE.—Section 402 (a)(2) of the Pension Protection Act of 2006 is amended by inserting ''and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)'' after ''such plan year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

SA 184. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. VOINOVICH, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TECHNICAL AMENDMENTS TO THE SPECIAL FUNDING RULES OF THE PENSION PROTECTION ACT OF 2006.

(a) TECHNICAL AMENDMENTS.—Section 402 of the Pension Protection Act of 2006 is amended—

(1) in subsection (d)(1), by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR PLANS YEARS NOT BEGINNING ON 1ST DAY OF MONTH.—For purposes of applying subparagraph (A), a plan year beginning during the 4-day period immediately preceding 2006 or 2007 shall be treated as beginning in 2006 or 2007, as the case may be.'', and

(2) in subsection (i)(1), by striking ''December 28, 2007'' and inserting ''January 1, 2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate. If an employer filed an election under section 402 of the Pension Protection Act of 2006 before January 1, 2007, the employer may, during the 60-day beginning on the date of the enactment of this Act, modify the election to reflect the amendments made by this section.

SA 185. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 118 submitted by Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mr. BURR) and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

''(5) if such employee is employed in agriculture, not less than the greater of—

''(A) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

''(B) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for entry level workers who are employed in agriculture in the area of work to be performed.''.

SA 186. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, add the following new section:

SEC. ___. WAGES FOR AGRICULTURAL WORKERS.

Section (6)(a)(5) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(5)) is amended to read as follows:

''(5) if such employee is employed to provide agriculture labor or services—

''(A) not less than the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

''(B) pursuant to the provisions of section 218 of the Immigration and Nationality Act (8 U.S.C. 1188), not less than the greater of—

''(i) the minimum wage rate in effect under paragraph (1) after December 31, 1977; or

''(ii) the prevailing wage established by the Occupational Employment Statistics program, or other wage survey, conducted by the Bureau of Labor Statistics in the county of intended employment, for entry level workers who are employed in agriculture in the area of the work to be performed.''.

SA 187. Mr. KERRY (for himself, Ms. SNOWE, Mr. SUNUNU, Ms. LANDRIEU, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 112 submitted by Mr. SUNUNU to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

''(m) CONTINUED FUNDING FOR CENTERS.—

''(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

''(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

''(3) APPLICATION AND APPROVAL CRITERIA.—

''(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

''(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

''(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

''(4) AWARD OF GRANTS.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

''(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

''(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

''(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

''(5) RENEWAL.—

''(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

''(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

''(n) PRIVACY REQUIREMENTS.—

''(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

''(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

''(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

''(A) restrict Administration access to program activity data; or

''(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

''(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).''.

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SA 188. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 15, line 3, strike ''2001.''.'' and insert ''2001, or

''(iii) receiving services for the homeless (as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)) through the Department of Veterans Affairs, the Department of Housing and Urban Development, or grant recipients of either at anytime during the 12-month period ending on the hiring date.''.

SA 189. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 141 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 3, line 21, insert ''not'' after ''and''.

SA 190. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 142 submitted by Mr. SESSIONS and intended to be proposed

to the amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 3, line 21, insert ''not'' after ''and''.

SA 191. Ms. COLLINS (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain trade and business deductions of employees) is amended to read as follows:

''(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $400, paid or incurred by an eligible educator—

''(i) by reason of the participation of the educator in professional development courses related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction, and

''(ii) in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 192. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 15, after line 24, insert the following:

SEC. 205. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES HIRED BY SMALL BUSINESSES.

(a) IN GENERAL.—Section 201(b)(1) of the Katrina Emergency Tax Relief Act of 2005 (Public Law 109–73) is amended by striking ''who is hired during the 2-year period'' and all that follows and inserting ''who—

''(A) is hired during the 2-year period beginning on such date for a position the principal place of employment which is located in the core disaster area, or

''(B) is hired—

''(i) during the 3-year period beginning on such date for a position the principal place of employment which is located in the core disaster area, and

''(ii) by an employer who has no more than 100 employees on the date such individual is hired, and''.

(b) EFFECTIVE DATE.—The amendment made by this section take effect as if included in section 201 of the Katrina Emergency Tax Relief Act of 2005.

SA 193. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

On page 4, between lines 8 and 9, insert the following:

SEC. 202. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking ''this subsection, the term'' and inserting ''this subsection—

''(A) IN GENERAL.—The term'', and

(2) by adding at the end the following new subparagraph:

''(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

''(i) without regard to subsection (d)(6), and

''(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.''.

SA 194. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. REDUCTION IN INCOME TAX WITHHOLDING DEPOSITS TO REFLECT FICA PAYROLL TAX CREDIT FOR CERTAIN EMPLOYERS LOCATED IN SPECIFIED PORTIONS OF THE GO ZONE DURING 2007.

(a) GENERAL RULE.—In the case of any applicable calendar quarter—

(1) the aggregate amount of required income tax deposits of an eligible employer for the calendar quarter following the applicable calendar quarter shall be reduced by the payroll tax credit equivalent amount for the applicable calendar quarter, and

(2) the amount of any deduction allowable to the eligible employer under chapter 1 of the Internal Revenue Code of 1986 for taxes paid under section 3111 of such Code with respect to employment during the applicable calendar quarter shall be reduced by such payroll tax credit equivalent amount.

For purposes of the Internal Revenue Code of 1986, an eligible employer shall be treated as having paid, and an eligible employee shall be treated as having received, any wages or compensation deducted and withheld but not deposited by reason of paragraph (1).

(b) CARRYOVERS OF UNUSED AMOUNTS.—If the payroll tax credit equivalent amount for any applicable calendar quarter exceeds the required income tax deposits for the following calendar quarter—

(1) such excess shall be added to the payroll tax credit equivalent amount for the next applicable calendar quarter, and

(2) in the case of the last applicable calendar quarter, such excess shall be used to reduce required income tax deposits for any succeeding calendar quarter until such excess is used.

(c) PAYROLL TAX CREDIT EQUIVALENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''payroll tax credit equivalent amount'' means, with respect to any applicable calendar quarter, an amount equal to 7.65 percent of the aggregate amount of wages or compensation—

(A) paid or incurred by the eligible employer with respect to employment of eligible employees during the applicable calendar quarter, and

(B) subject to the tax imposed by section 3111 of the Internal Revenue Code of 1986.

(2) TRADE OR BUSINESS REQUIREMENT.—A rule similar to the rule of section 51(f) of such Code shall apply for purposes of this section.

(3) LIMITATION ON WAGES SUBJECT TO CREDIT.—For purposes of this subsection, only wages and compensation of an eligible employee in an applicable calendar quarter, when added to such wages and compensation for any preceding applicable calendar quarter, not exceeding $15,000 shall be taken into account with respect to such employee.

(d) ELIGIBLE EMPLOYER; ELIGIBLE EMPLOYEE.—For purposes of this section—

(1) ELIGIBLE EMPLOYER.—

(A) IN GENERAL.—The term ''eligible employer'' means any employer which conducts an active trade or business in any specified portion of the GO Zone and employs not more than 100 full-time employees on the date of the enactment of this Act.

(B) SPECIFIED PORTION OF THE GO ZONE.—The term ''specified portion of the GO Zone'' means any portion of the GO Zone (as defined in section 1400M(1) of the Internal Revenue Code of 1986) which is in any county or parish which is identified by the Secretary of the Treasury as being a county or parish in which hurricanes occurring during 2005 damaged (in the aggregate) more than 60 percent of the housing units in such county or parish which were occupied (determined according to the 2000 Census).

(2) ELIGIBLE EMPLOYEE.—The term ''eligible employee'' means with respect to an eligible employer an employee whose principal place of employment with such eligible employer is in a specified portion of the GO Zone. Such term shall not include an employee described in section 401(c)(1)(A).

(e) APPLICABLE CALENDAR QUARTER.—For purposes of this section, the term ''applicable calendar quarter'' means any of the 4 calendar quarters beginning in 2007.

(f) SPECIAL RULES.—For purposes of this section—

(1) REQUIRED INCOME TAX DEPOSITS.—The term ''required income tax deposits'' means deposits an eligible employer is required to make under section 6302 of the Internal Revenue Code of 1986 of taxes such employer is required to deduct and withhold under section 3402 of such Code.

(2) AGGREGATION RULES.—Rules similar to the rules of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall apply.

(3) EMPLOYERS NOT ON QUARTERLY SYSTEM.—The Secretary of the Treasury shall prescribe rules for the application of this section in the case of an eligible employer whose required income tax deposits are not made on a quarterly basis.

(4) ADJUSTMENTS FOR CERTAIN ACQUISITIONS, ETC.—Under regulations prescribed by the Secretary—

(A) ACQUISITIONS.—If, after December 31, 2006, an employer acquires the major portion of a trade or business of another person (hereafter in this paragraph referred to as the ''predecessor'') or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section for any calendar quarter ending after such acquisition, the amount of wages or compensation deemed paid by the employer during periods before such acquisition shall

be increased by so much of such wages or compensation paid by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business acquired by the employer.

(B) DISPOSITIONS.—If, after December 31, 2006—

(i) an employer disposes of the major portion of any trade or business of the employer or the major portion of a separate unit of a trade or business of the employer in a transaction to which paragraph (1) applies, and

(ii) the employer furnishes the acquiring person such information as is necessary for the application of subparagraph (A),

then, for purposes of applying this section for any calendar quarter ending after such disposition, the amount of wages or compensation deemed paid by the employer during periods before such disposition shall be decreased by so much of such wages as is attributable to such trade or business or separate unit.

(5) OTHER RULES.—

(A) GOVERNMENT EMPLOYERS.—This section shall not apply if the employer is the Government of the United States, the government of any State or political subdivision of the State, or any agency or instrumentality of any such government.

(B) TREATMENT OF OTHER ENTITIES.—Rules similar to the rules of subsections (d) and (e) of section 52 of such Code shall apply for purposes of this section.

SA 195. Mr. BURR (for himself, Mr. DEMINT, and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the end of section 102, add the following:

(c) EXCEPTION IN THE CASE OF PROVISION OF HEALTH BENEFITS.—Notwithstanding the amendment made by subsection (a), an employer to which such amendment applies shall have the option to—

(1) increase the minimum wage paid to employees as required under such amendment; or

(2) provide such employees with health care benefits that are equal (in terms of the monetary amount expended by the employer for such benefits) to the monetary amount by which the minimum wage is to be increased pursuant to such amendment.

SA 196. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike section 102 of the amendment and insert the following:

SEC. 102. MINIMUM WAGE FOR TERRITORIES AND POSSESSIONS.

(a) MINIMUM WAGE FOR TERRITORIES AND POSSESSIONS.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6, by adding at the end the following:

''(h) TERRITORIES AND POSSESSIONS.—

''(1) IN GENERAL.—Subject to subsection (a)(2), each employer of an employee employed in any territory or possession of the United States shall pay to such employee, in lieu of the rate or rates provided by subsection (a)(1) or (b), not less than the rate calculated under subsection (b) as of the day after the date that an increase in the minimum wage rate under subsection (a)(1) takes effect.

''(2) MINIMUM WAGE RATE.—The applicable rate described in paragraph (1) shall be the greater of—

''(A) the minimum wage rate in effect in the territory or possession in which the employee is employed on the date of enactment of the Fair Minimum Wage Act of 2007; or

''(B) the product of—

''(i) the rate in effect under subsection (a)(1); multiplied by

''(ii) the quotient of—

''(I) the average annual wage in the territory or possession, as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the territory or possession for the third prior calendar year; divided by

''(II) the average annual wage in the United States (not including the territories or possessions of the United States, but including the District of Columbia), as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the United States (as so defined) for the third prior calendar year.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any territory or possession of the United States from establishing a minimum wage higher than the minimum wage required under this subsection.''; and

(2) in section 13(f), by inserting ''the Northern Mariana Islands,'' after ''Guam,''.

(b) ABOLISHING THE SPECIAL WAGE BOARD FOR AMERICAN SAMOA.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) by repealing sections 5, 8, and 10;

(2) in section 6(a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in section 13—

(A) by striking subsection (e); and

(B) by redesignating subsections (f) (as amended in subsection (a)(2)) and (g) as subsections (e) and (f), respectively.

(c) CONFORMING AMENDMENTS.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended—

(1) in section 6—

(A) in subsection (b), by striking ''(a)(5)'' and inserting ''(a)(4)''; and

(B) in paragraphs (1) and (2) of subsection (e), by striking ''and (f)'' each place the term occurs and inserting ''and (e)'';

(2) in section 13(c)(1)(a), by striking ''6(a)(5)'' and inserting ''6(a)(4)'';

(3) in section 14(b)(2), by striking ''6(a)(5)'' and inserting ''6(a)(4)'';

(4) in section 16(d), by striking ''13(f)'' and inserting ''13(e)''; and

(5) in section 18(b), by striking ''13(f)'' and inserting ''13(e)''.

SA 197. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

Strike section 102 of the amendment and insert the following:

SEC. 102. MINIMUM WAGE FOR TERRITORIES AND POSSESSIONS.

(a) IN GENERAL.—Notwithstanding any provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), section 6 of such Act shall apply to employees employed in each territory or possession of the United States in the same manner as such section applies to employees employed in the several States of the United States, except that in lieu of the rate or rates provided by subsection (a)(1) or (b) of section 6 of such Act, the applicable rate for such employees shall be the rate calculated under subsection (b) as of the day after the date that an increase in the minimum wage rate under such section 6(a)(1) takes effect.

(b) MINIMUM WAGE RATE.—The applicable rate for employees employed in each territory or possession of the United States shall be the greater of—

(1) the minimum wage rate in effect in the territory or possession on the date of enactment of this Act; or

(2) the product of—

(A) the rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)); multiplied by

(B) the quotient of—

(i) the average annual wage in the territory or possession, as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the territory or possession for the third prior calendar year; and

(ii) the average annual wage in the United States (not including the territories or possessions of the United States, but including the District of Columbia), as determined by the Social Security Administration based on the W-2 forms furnished under section 6051 of the Internal Revenue Code of 1986 to individuals employed in the United States (as so defined) for the third prior calendar year.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit any territory or possession of the United States from establishing a minimum wage higher than the minimum wage required under this section.

SA 198. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 100 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS AND NATIONAL GUARD MEMBERS.

(a) DESIGNATION.—Subchapter A of chapter 61 is amended by adding at the end the following new part:

''PART IX—DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM

''Sec. 6097. Designation.

''SEC. 6097. DESIGNATION.

''(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year be paid over to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code.

''(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be

made either on the first page of the return or on the page bearing the taxpayer's signature.

''(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

''(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

''(2) a contribution made by such taxpayer on such date to the United States.''.

(b) TRANSFERS TO RESERVE INCOME REPLACEMENT PROGRAM.—The Secretary of the Treasury shall, from time to time, transfer to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code, the amounts designated under section 6097 of the Internal Revenue Code of 1986, under regulations jointly prescribed by the Secretary of the Treasury and the Secretary of Defense.

(c) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 is amended by adding at the end the following new item:

''PART IX. DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SA 199. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—SMALL BUSINESS HEALTH COVERAGE

SEC. __01. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This title may be cited as the ''Health Insurance Marketplace Modernization and Affordability Act of 2007''.

(b) PURPOSES.—It is the purpose of this Act to—

(1) make more affordable health insurance options available to small businesses, working families, and all Americans;

(2) assure effective State regulatory protection of the interests of health insurance consumers; and

(3) create a more efficient and affordable health insurance marketplace through collaborative development of uniform regulatory standards.

Subtitle A—Small Business Health Plans

SEC. __11. RULES GOVERNING SMALL BUSINESS HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

''PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

''SEC. 801. SMALL BUSINESS HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

''(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining medical care;

''(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership;

''(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation; and

''(4) does not condition membership on the basis of a minimum group size.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), (3), and (4) shall be deemed to be a sponsor described in this subsection.

''SEC. 802. CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

''(a) IN GENERAL.—Not later than 6 months after the date of enactment of this part, the applicable authority shall prescribe by interim final rule a procedure under which the applicable authority shall certify small business health plans which apply for certification as meeting the requirements of this part.

''(b) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—A small business health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

''(c) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of small business health plans under this part. Such regulation shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved is failing to comply with the requirements of this part.

''(d) EXPEDITED AND DEEMED CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary fails to act on an application for certification under this section within 90 days of receipt of such application, the applying small business health plan shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

''(2) CIVIL PENALTY.—The Secretary may assess a civil penalty against the board of trustees and plan sponsor (jointly and severally) of a small business health plan that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan was willfully or with gross negligence incomplete or inaccurate.

''SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

''(a) SPONSOR.—The requirements of this subsection are met with respect to a small business health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

''(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to a small business health plan if the following requirements are met:

''(1) FISCAL CONTROL.—The plan is operated, pursuant to a plan document, by a board of trustees which pursuant to a trust agreement has complete fiscal control over the plan and which is responsible for all operations of the plan.

''(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

''(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

''(A) BOARD MEMBERSHIP.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

''(ii) LIMITATION.—

''(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

''(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

''(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

''(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to a small business health plan which is in existence on the date of the enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

''(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with insurers.

''(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

''(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

''(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

''SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor;

''(B) the sponsor; or

''(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

''(B) the dependents of individuals described in subparagraph (A).

''(b) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

''(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

''(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

''(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate; and

''(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

''SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

''(a) IN GENERAL.—The requirements of this section are met with respect to a small business health plan if the following requirements are met:

''(1) CONTENTS OF GOVERNING INSTRUMENTS.—

''(A) IN GENERAL.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

''(i) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A)); and

''(ii) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)).

''(B) DESCRIPTION OF MATERIAL PROVISIONS.—The terms of the health insurance coverage (including the terms of any individual certificates that may be offered to individuals in connection with such coverage) describe the material benefit and rating, and other provisions set forth in this section and such material provisions are included in the summary plan description.

''(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

''(A) IN GENERAL.—The contribution rates for any participating small employer shall not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and shall not vary on the basis of the type of business or industry in which such employer is engaged.

''(B) EFFECT OF TITLE.—Nothing in this title or any other provision of law shall be construed to preclude a health insurance issuer offering health insurance coverage in connection with a small business health plan, and at the request of such small business health plan, from—

''(i) setting contribution rates for the small business health plan based on the claims experience of the plan so long as any variation in such rates complies with the requirements of clause (ii), except that small business health plans shall not be subject to paragraphs (1)(A) and (3) of section 2911(b) of the Public Health Service Act; or

''(ii) varying contribution rates for participating employers in a small business health plan in a State to the extent that such rates could vary using the same methodology employed in such State for regulating small group premium rates, subject to the terms of part I of subtitle A of title XXIX of the Public Health Service Act (relating to rating requirements), as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

''(3) EXCEPTIONS REGARDING SELF-EMPLOYED AND LARGE EMPLOYERS.—

''(A) SELF EMPLOYED.—

''(i) IN GENERAL.—Small business health plans with participating employers who are self-employed individuals (and their dependents) shall enroll such self-employed participating employers in accordance with rating rules that do not violate the rating rules for self-employed individuals in the State in which such self-employed participating employers are located.

''(ii) GUARANTEE ISSUE.—Small business health plans with participating employers who are self-employed individuals (and their dependents) may decline to guarantee issue to such participating employers in States in which guarantee issue is not otherwise required for the self-employed in that State.

''(B) LARGE EMPLOYERS.—Small business health plans with participating employers that are larger than small employers (as defined in section 808(a)(10)) shall enroll such large participating employers in accordance with rating rules that do not violate the rating rules for large employers in the State in which such large participating employers are located.

''(4) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

''(b) ABILITY OF SMALL BUSINESS HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude a small business health plan or a health insurance issuer offering health insurance coverage in connection with a small business health plan from exercising its sole discretion in selecting the specific benefits and services consisting of medical care to be included as benefits under such plan or coverage, except that such benefits and services must meet the terms and specifications of part II of subtitle A of title XXIX of the Public Health Service Act (relating to lower cost plans), as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

''(c) DOMICILE AND NON-DOMICILE STATES.—

''(1) DOMICILE STATE.—Coverage shall be issued to a small business health plan in the State in which the sponsor's principal place of business is located.

''(2) NON-DOMICILE STATES.—With respect to a State (other than the domicile State) in which participating employers of a small business health plan are located but in which the insurer of the small business health plan in the domicile State is not yet licensed, the following shall apply:

''(A) TEMPORARY PREEMPTION.—If, upon the expiration of the 90-day period following the submission of a licensure application by such insurer (that includes a certified copy of an approved licensure application as submitted by such insurer in the domicile State) to such State, such State has not approved or denied such application, such State's health insurance licensure laws shall be temporarily preempted and the insurer shall be permitted to operate in such State, subject to the following terms:

''(i) APPLICATION OF NON-DOMICILE STATE LAW.—Except with respect to licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits as added by the Health Insurance Marketplace Modernization and Affordability Act of 2006), the laws and authority of the non-domicile State shall remain in full force and effect.

''(ii) REVOCATION OF PREEMPTION.—The preemption of a non-domicile State's health insurance licensure laws pursuant to this subparagraph, shall be terminated upon the occurrence of either of the following:

''(I) APPROVAL OR DENIAL OF APPLICATION.—The approval of denial of an insurer's licensure application, following the laws and regulations of the non-domicile State with respect to licensure.

''(II) DETERMINATION OF MATERIAL VIOLATION.—A determination by a non-domicile State that an insurer operating in a non-domicile State pursuant to the preemption provided for in this subparagraph is in material violation of the insurance laws (other than licensure and with respect to the terms of subtitle A of title XXIX of the Public Health Service Act (relating to rating and benefits added by the Health Insurance Marketplace Modernization and Affordability Act of 2006)) of such State.

''(B) NO PROHIBITION ON PROMOTION.—Nothing in this paragraph shall be construed to prohibit a small business health plan or an insurer from promoting coverage prior to the expiration of the 90-day period provided for in subparagraph (A), except that no enrollment or collection of contributions shall occur before the expiration of such 90-day period.

''(C) LICENSURE.—Except with respect to the application of the temporary preemption provision of this paragraph, nothing in this part shall be construed to limit the requirement that insurers issuing coverage to small business health plans shall be licensed in each State in which the small business health plans operate.

''(D) SERVICING BY LICENSED INSURERS.—Notwithstanding subparagraph (C), the requirements of this subsection may also be satisfied if the participating employers of a small business health plan are serviced by a licensed insurer in that State, even where such insurer is not the insurer of such small business health plan in the State in which such small business health plan is domiciled.

''SEC. 806. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

''(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), a small

business health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

''(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(1) IDENTIFYING INFORMATION.—The names and addresses of—

''(A) the sponsor; and

''(B) the members of the board of trustees of the plan.

''(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

''(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

''(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

''(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan, health insurance issuer, and contract administrators and other service providers.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which the small business health plans operate.

''(d) NOTICE OF MATERIAL CHANGES.—In the case of any small business health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

''SEC. 807. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

''A small business health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

''(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

''(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

''(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

''SEC. 808. DEFINITIONS AND RULES OF CONSTRUCTION.

''(a) DEFINITIONS.—For purposes of this part—

''(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

''(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

''(2) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary of Labor, except that, in connection with any exercise of the Secretary's authority with respect to which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

''(3) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(4) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

''(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1), except that such term shall not include excepted benefits (as defined in section 733(c)).

''(6) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

''(7) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(8) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

''(9) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(10) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, a small employer as defined in section 2791(e)(4).

''(11) TRADE ASSOCIATION AND PROFESSIONAL ASSOCIATION.—The terms 'trade association' and 'professional association' mean an entity that meets the requirements of section 1.501(c)(6)-1 of title 26, Code of Federal Regulations (as in effect on the date of enactment of this Act).

''(b) RULE OF CONSTRUCTION.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is a small business health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

''(1) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

''(2) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

''(c) RENEWAL.—Notwithstanding any provision of law to the contrary, a participating employer in a small business health plan shall not be deemed to be a plan sponsor in applying requirements relating to coverage renewal.

''(d) HEALTH SAVINGS ACCOUNTS.—Nothing in this part shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

''(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of a small business health plan which is certified under part 8.''.

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (d)'';

(B) in subsection (b)(5), by striking ''subsection (a)'' in subparagraph (A) and inserting ''subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805'', and by striking ''subsection (a)'' in subparagraph (B) and inserting ''subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805'';

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

''(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.

''(2) In any case in which health insurance coverage of any policy type is offered under a small business health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may establish rating and benefit requirements that would otherwise apply to such coverage, provided the requirements of subtitle A of title XXIX of the Public Health Service Act (as added by title II of the Health Insurance Marketplace Modernization and Affordability Act of 2006) (concerning health plan rating and benefits) are met.''.

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of a small business health plan under part 8.''.

(d) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(e) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—RULES GOVERNING SMALL BUSINESS HEALTH PLANS

''801. Small business health plans.
''802. Certification of small business health plans.
''803. Requirements relating to sponsors and boards of trustees.
''804. Participation and coverage requirements.
''805. Other requirements relating to plan documents, contribution rates, and benefit options.
''806. Requirements for application and related requirements.
''807. Notice requirements for voluntary termination.
''808. Definitions and rules of construction.''.

SEC. __12. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

''(d) CONSULTATION WITH STATES WITH RESPECT TO SMALL BUSINESS HEALTH PLANS.—

''(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to a small business health plan regarding the exercise of—

''(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

''(B) the Secretary's authority to certify small business health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

''(2) RECOGNITION OF DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular small business health plan, as the State with which consultation is required. In carrying out this paragraph such State shall be the domicile State, as defined in section 805(c).''.

SEC. __13. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this subtitle shall take effect 12 months after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this subtitle within 6 months after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 808(a)(2) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of trustees which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement or at such time that the arrangement provides coverage to participants and beneficiaries in any State other than the States in which coverage is provided on such date of enactment.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''group health plan'', ''medical care'', and ''participating employer'' shall have the meanings provided in section 808 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an ''small business health plan'' shall be deemed a reference to an arrangement referred to in this subsection.

Subtitle B—Market Relief

SEC. __021. MARKET RELIEF.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXIX—HEALTH CARE INSURANCE MARKETPLACE MODERNIZATION

''SEC. 2901. GENERAL INSURANCE DEFINITIONS.

''In this title, the terms 'health insurance coverage', 'health insurance issuer', 'group health plan', and 'individual health insurance' shall have the meanings given such terms in section 2791.

''Subtitle A—Market Relief

''PART I—RATING REQUIREMENTS

''SEC. 2911. DEFINITIONS.

''(a) GENERAL DEFINITIONS.—In this part:

''(1) ADOPTING STATE.—The term 'adopting State' means a State that, with respect to the small group market, has enacted either the Model Small Group Rating Rules or, if applicable to such State, the Transitional Model Small Group Rating Rules, each in their entirety and as the exclusive laws of the State that relate to rating in the small group insurance market.

''(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the insurance laws of such State.

''(3) BASE PREMIUM RATE.—The term 'base premium rate' means, for each class of business with respect to a rating period, the lowest premium rate charged or that could have been charged under a rating system for that class of business by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage

''(4) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a State and that—

''(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the Model Small Group Rating Rules or, as applicable, transitional small group rating rules in a State;

''(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer small group health insurance coverage in that State consistent with the Model Small Group Rating Rules, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency); and

''(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the Model Small Group Rating Rules and an affirmation that such Rules are included in the terms of such contract.

''(5) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the small group health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c)).

''(6) INDEX RATE.—The term 'index rate' means for each class of business with respect to the rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

''(7) MODEL SMALL GROUP RATING RULES.—The term ' Model Small Group Rating Rules' means the rules set forth in subsection (b).

''(8) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

''(9) SMALL GROUP INSURANCE MARKET.—The term 'small group insurance market' shall have the meaning given the term 'small group market' in section 2791(e)(5).

''(10) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

''(b) DEFINITION RELATING TO MODEL SMALL GROUP RATING RULES.—The term 'Model Small Group Rating Rules' means adapted rating rules drawn from the Adopted Small Employer Health Insurance Availability Model Act of 1993 of the National Association of Insurance Commissioners consisting of the following:

''(1) PREMIUM RATES.—Premium rates for health benefit plans to which this title applies shall be subject to the following provisions relating to premiums:

''(A) INDEX RATE.—The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than 20 percent.

''(B) CLASS OF BUSINESSES.—With respect to a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage or the rates that could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than 25 percent of the index rate under subparagraph (A).

''(C) INCREASES FOR NEW RATING PERIODS.—The percentage increase in the premium rate charged to a small employer for a new rating

period may not exceed the sum of the following:

''(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, except that such change shall not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers.

''(ii) Any adjustment, not to exceed 15 percent annually and adjusted pro rata for rating periods of less then 1 year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual for the class of business involved.

''(iii) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the small employer carrier's rate manual for the class of business.

''(D) UNIFORM APPLICATION OF ADJUSTMENTS.—Adjustments in premium rates for claim experience, health status, or duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

''(E) USE OF INDUSTRY AS A CASE CHARACTERISTIC.—A small employer carrier may utilize industry as a case characteristic in establishing premium rates, so long as the highest rate factor associated with any industry classification does not exceed the lowest rate factor associated with any industry classification by more than 15 percent.

''(F) CONSISTENT APPLICATION OF FACTORS.—Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business. Rating factors shall produce premiums for identical groups which differ only by the amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans.

''(G) TREATMENT OF PLANS AS HAVING SAME RATING PERIOD.—A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

''(H) RESTRICTED NETWORK PROVISIONS.—For purposes of this subsection, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain a similar provision if the restriction of benefits to network providers results in substantial differences in claims costs.

''(I) PROHIBITION ON USE OF CERTAIN CASE CHARACTERISTICS.—The small employer carrier shall not use case characteristics other than age, gender, industry, geographic area, family composition, group size, and participation in wellness programs without prior approval of the applicable State authority.

''(J) REQUIRE COMPLIANCE.—Premium rates for small business health benefit plans shall comply with the requirements of this subsection notwithstanding any assessments paid or payable by a small employer carrier as required by a State's small employer carrier reinsurance program.

''(2) ESTABLISHMENT OF SEPARATE CLASS OF BUSINESS.—Subject to paragraph (3), a small employer carrier may establish a separate class of business only to reflect substantial differences in expected claims experience or administrative costs related to the following:

''(A) The small employer carrier uses more than one type of system for the marketing and sale of health benefit plans to small employers.

''(B) The small employer carrier has acquired a class of business from another small employer carrier.

''(C) The small employer carrier provides coverage to one or more association groups that meet the requirements of this title.

''(3) LIMITATION.—A small employer carrier may establish up to 9 separate classes of business under paragraph (2), excluding those classes of business related to association groups under this title.

''(4) ADDITIONAL GROUPINGS.—The applicable State authority may approve the establishment of additional distinct groupings by small employer carriers upon the submission of an application to the applicable State authority and a finding by the applicable State authority that such action would enhance the efficiency and fairness of the small employer insurance marketplace.

''(5) LIMITATION ON TRANSFERS.—A small employer carrier shall not transfer a small employer involuntarily into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration of coverage since issue.

''(6) SUSPENSION OF THE RULES.—The applicable State authority may suspend, for a specified period, the application of paragraph (1) to the premium rates applicable to one or more small employers included within a class of business of a small employer carrier for one or more rating periods upon a filing by the small employer carrier and a finding by the applicable State authority either that the suspension is reasonable when considering the financial condition of the small employer carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

"SEC. 2912. RATING RULES.

''(a) IMPLEMENTATION OF MODEL SMALL GROUP RATING RULES.—Not later than 6 months after the enactment of this title, the Secretary shall promulgate regulations implementing the Model Small Group Rating Rules pursuant to section 2911(b).

''(b) TRANSITIONAL MODEL SMALL GROUP RATING RULES.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this title and to the extent necessary to provide for a graduated transition to the Model Small Group Rating Rules, the Secretary, in consultation with the NAIC, shall promulgate Transitional Model Small Group Rating Rules in accordance with this subsection, which shall be applicable with respect to certain non-adopting States for a period of not to exceed 5 years from the date of the promulgation of the Model Small Group Rating Rules pursuant to subsection (a). After the expiration of such 5-year period, the transitional model small group rating rules shall expire, and the Model Small Group Rating Rules shall then apply with respect to all non-adopting States pursuant to the provisions of this part.

''(2) PREMIUM VARIATION DURING TRANSITION.—

''(A) TRANSITION STATES.—During the transition period described in paragraph (1), small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by less than 12.5 percent from the index rate within a class of business on the date of enactment of this title, shall not be subject to the premium variation provision of section 2911(b)(1) of the Model Small Group Rating Rules and shall instead be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1).

''(B) NON-TRANSITION STATES.—During the transition period described in paragraph (1), and thereafter, small group health insurance coverage offered in a non-adopting State that had in place premium rating band requirements or premium limits that varied by more than 12.5 percent from the index rate within a class of business on the date of enactment of this title, shall not be subject to the Transitional Model Small Group Rating Rules as promulgated by the Secretary pursuant to paragraph (1), and instead shall be subject to the Model Small Group Rating Rules effective beginning with the first plan year or calendar year following the promulgation of such Rules, at the election of the eligible insurer.

''(3) TRANSITIONING OF OLD BUSINESS.—In developing the transitional model small group rating rules under paragraph (1), the Secretary shall, after consultation with the National Association of Insurance Commissioners and representatives of insurers operating in the small group health insurance market, promulgate special transition standards and timelines with respect to independent rating classes for old and new business, to the extent reasonably necessary to protect health insurance consumers and to ensure a stable and fair transition for old and new market entrants.

''(4) OTHER TRANSITIONAL AUTHORITY.—In developing the Transitional Model Small Group Rating Rules under paragraph (1), the Secretary shall provide for the application of the Transitional Model Small Group Rating Rules in transition States as the Secretary may determine necessary for a an effective transition.

''(c) MARKET RE-ENTRY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a health insurance issuer that has voluntarily withdrawn from providing coverage in the small group market prior to the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2006 shall not be excluded from re-entering such market on a date that is more than 180 days after such date of enactment.

''(2) TERMINATION.—The provision of this subsection shall terminate on the date that is 24 months after the date of enactment of the Health Insurance Marketplace Modernization and Affordability Act of 2006.

"SEC. 2913. APPLICATION AND PREEMPTION.

''(a) SUPERSEDING OF STATE LAW.—

''(1) IN GENERAL.—This part shall supersede any and all State laws of a non-adopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle) relate to rating in the small group insurance market as applied to an eligible insurer, or small group health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small employer through a small business health plan, in a State.

''(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a non-adopting State insofar as such State laws (whether enacted prior to or after the date of enactment of this subtitle)—

''(A) prohibit an eligible insurer from offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules; or

''(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing small group health insurance coverage consistent with the Model Small Group Rating Rules or transitional model small group rating rules.

''(b) SAVINGS CLAUSE AND CONSTRUCTION.—

''(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting states.

''(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers that offer small group health insurance coverage in a nonadopting State.

''(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law in a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Model Small Group Rating Rules or transitional model small group rating rules.

''(4) NO EFFECT ON PREEMPTION.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974

''(c) EFFECTIVE DATE.—This section shall apply, at the election of the eligible insurer, beginning in the first plan year or the first calendar year following the issuance of the final rules by the Secretary under the Model Small Group Rating Rules or, as applicable, the Transitional Model Small Group Rating Rules, but in no event earlier than the date that is 12 months after the date of enactment of this title.

''SEC. 2914. CIVIL ACTIONS AND JURISDICTION.

''(a) IN GENERAL.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

''(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 2913.

''(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

''(d) EXPEDITED REVIEW.—

''(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

''(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

''(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

''SEC. 2915. ONGOING REVIEW.

''Not later than 5 years after the date on which the Model Small Group Rating Rules are issued under this part, and every 5 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the Model Small Group Rating Rules on access, cost, and market functioning in the small group market. Such report may, if the Secretary, in consultation with the National Association of Insurance Commissioners, determines such is appropriate for improving access, costs, and market functioning, contain legislative proposals for recommended modification to such Model Small Group Rating Rules.

''PART II—AFFORDABLE PLANS

''SEC. 2921. DEFINITIONS.

''In this part:

''(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted a law providing that small group and large group health insurers in such State may offer and sell products in accordance with the List of Required Benefits and the Terms of Application as provided for in section 2922(b).

''(2) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

''(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the List of Required Benefits and Terms of Application in a nonadopting State;

''(B) notifies the insurance department of a nonadopting State (or other applicable State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the List of Required Benefits and Terms of Application, and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

''(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such group health coverage) and filed with the State pursuant to subparagraph (B), a description in the insurer's contract of the List of Required Benefits and a description of the Terms of Application, including a description of the benefits to be provided, and that adherence to such standards is included as a term of such contract.

''(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the small group or large group health insurance markets, including with respect to small business health plans, except that such term shall not include excepted benefits (as defined in section 2791(c)).

''(4) LIST OF REQUIRED BENEFITS.—The term 'List of Required Benefits' means the List issued under section 2922(a).

''(5) NONADOPTING STATE.—The term 'nonadopting State' means a State that is not an adopting State.

''(6) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

''(7) STATE PROVIDER FREEDOM OF CHOICE LAW.—The term 'State provider freedom of choice law' means a State law requiring that a health insurance issuer, with respect to health insurance coverage, not discriminate with respect to participation, reimbursement, or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law.

''(8) TERMS OF APPLICATION.—The term 'Terms of Application' means terms provided under section 2922(a).

''SEC. 2922. OFFERING AFFORDABLE PLANS.

''(a) LIST OF REQUIRED BENEFITS.—Not later than 3 months after the date of enactment of this title, the Secretary, in consultation with the National Association of Insurance Commissioners, shall issue by interim final rule a list (to be known as the 'List of Required Benefits') of covered benefits, services, or categories of providers that are required to be provided by health insurance issuers, in each of the small group and large group markets, in at least 26 States as a result of the application of State covered benefit, service, and category of provider mandate laws. With respect to plans sold to or through small business health plans, the List of Required Benefits applicable to the small group market shall apply.

''(b) TERMS OF APPLICATION.—

''(1) STATE WITH MANDATES.—With respect to a State that has a covered benefit, service, or category of provider mandate in effect that is covered under the List of Required Benefits under subsection (a), such State mandate shall, subject to paragraph (3) (concerning uniform application), apply to a coverage plan or plan in, as applicable, the small group or large group market or through a small business health plan in such State.

''(2) STATES WITHOUT MANDATES.—With respect to a State that does not have a covered benefit, service, or category of provider mandate in effect that is covered under the List of Required Benefits under subsection (a), such mandate shall not apply, as applicable, to a coverage plan or plan in the small group or large group market or through a small business health plan in such State.

''(3) UNIFORM APPLICATION OF LAWS.—

''(A) IN GENERAL.—With respect to a State described in paragraph (1), in applying a covered benefit, service, or category of provider mandate that is on the List of Required Benefits under subsection (a) the State shall permit a coverage plan or plan offered in the small group or large group market or through a small business health plan in such State to apply such benefit, service, or category of provider coverage in a manner consistent with the manner in which such coverage is applied under one of the three most heavily subscribed national health plans offered under the Federal Employee Health Benefits Program under chapter 89 of title 5, United States Code (as determined by the Secretary in consultation with the Director of the Office of Personnel Management), and consistent with the Publication of Benefit Applications under subsection (c). In the event a covered benefit, service, or category of provider appearing in the List of Required Benefits is not offered in one of the three most heavily subscribed national health plans offered under the Federal Employees Health Benefits Program, such covered benefit, service, or category of provider requirement shall be applied in a manner consistent with the manner in which such coverage is

offered in the remaining most heavily subscribed plan of the remaining Federal Employees Health Benefits Program plans, as determined by the Secretary, in consultation with the Director of the Office of Personnel Management.

''(B) EXCEPTION REGARDING STATE PROVIDER FREEDOM OF CHOICE LAWS.—Notwithstanding subparagraph (A), in the event a category of provider mandate is included in the List of Covered Benefits, any State Provider Freedom of Choice Law (as defined in section 2921(7)) that is in effect in any State in which such category of provider mandate is in effect shall not be preempted, with respect to that category of provider, by this part.

''(c) PUBLICATION OF BENEFITS APPLICATIONS.—Not later than 3 months after the date of enactment of this title, and on the first day of every calendar year thereafter, the Secretary, in consultation with the Director of the Office of Personnel Management, shall publish in the Federal Register a description of such covered benefits, services, and categories of providers covered in that calendar year by each of the three most heavily subscribed nationally available Federal Employee Health Benefits Plan options which are also included on the List of Required Benefits.

''(d) EFFECTIVE DATES.—

''(1) SMALL BUSINESS HEALTH PLANS.—With respect to health insurance provided to participating employers of small business health plans, the requirements of this part (concerning lower cost plans) shall apply beginning on the date that is 12 months after the date of enactment of this title.

''(2) NON-ASSOCIATION COVERAGE.—With respect to health insurance provided to groups or individuals other than participating employers of small business health plans, the requirements of this part shall apply beginning on the date that is 15 months after the date of enactment of this title.

''(e) UPDATING OF LIST OF REQUIRED BENEFITS.—Not later than 2 years after the date on which the list of required benefits is issued under subsection (a), and every 2 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners, shall update the list based on changes in the laws and regulations of the States. The Secretary shall issue the updated list by regulation, and such updated list shall be effective upon the first plan year following the issuance of such regulation.

"SEC. 2923. APPLICATION AND PREEMPTION.

''(a) SUPERCEDING OF STATE LAW.—

''(1) IN GENERAL.—This part shall supersede any and all State laws insofar as such laws relate to mandates relating to covered benefits, services, or categories of provider in the health insurance market as applied to an eligible insurer, or health insurance coverage issued by an eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

''(2) NONADOPTING STATES.—This part shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as such laws—

''(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards, as provided for in section 2922(a); or

''(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the Benefit Choice Standards.

''(b) SAVINGS CLAUSE AND CONSTRUCTION.—

''(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

''(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

''(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the Benefit Choice Standards.

''(4) NO EFFECT ON PREEMPTION.—In no case shall this part be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this part be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974

"SEC. 2924. CIVIL ACTIONS AND JURISDICTION.

''(a) IN GENERAL.—The courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this part.

''(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 2923.

''(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

''(d) EXPEDITED REVIEW.—

''(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

''(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

''(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

"SEC. 2925. RULES OF CONSTRUCTION.

''(a) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a health insurance issuer in an adopting State or an eligible insurer in a non-adopting State may amend its existing policies to be consistent with the terms of this subtitle (concerning rating and benefits).

''(b) HEALTH SAVINGS ACCOUNTS.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.''.

Subtitle C—Harmonization of Health Insurance Standards

SEC. __31. HEALTH INSURANCE STANDARDS HARMONIZATION.

Title XXIX of the Public Health Service Act (as added by section __21) is amended by adding at the end the following:

"Subtitle B—Standards Harmonization

"SEC. 2931. DEFINITIONS.

''In this subtitle:

''(1) ADOPTING STATE.—The term 'adopting State' means a State that has enacted the harmonized standards adopted under this subtitle in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

''(2) ELIGIBLE INSURER.—The term 'eligible insurer' means a health insurance issuer that is licensed in a nonadopting State and that—

''(A) notifies the Secretary, not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage consistent with the harmonized standards in a nonadopting State;

''(B) notifies the insurance department of a nonadopting State (or other State agency), not later than 30 days prior to the offering of coverage described in this subparagraph, that the issuer intends to offer health insurance coverage in that State consistent with the harmonized standards published pursuant to section 2932(d), and provides with such notice a copy of any insurance policy that it intends to offer in the State, its most recent annual and quarterly financial reports, and any other information required to be filed with the insurance department of the State (or other State agency) by the Secretary in regulations; and

''(C) includes in the terms of the health insurance coverage offered in nonadopting States (including in the terms of any individual certificates that may be offered to individuals in connection with such health coverage) and filed with the State pursuant to subparagraph (B), a description of the harmonized standards published pursuant to section 2932(g)(2) and an affirmation that such standards are a term of the contract.

''(3) HARMONIZED STANDARDS.—The term 'harmonized standards' means the standards certified by the Secretary under section 2932(d).

''(4) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' means any coverage issued in the health insurance market, except that such term shall not include excepted benefits (as defined in section 2791(c).

''(5) NONADOPTING STATE.—The term 'nonadopting State' means a State that fails to enact, within 18 months of the date on which the Secretary certifies the harmonized standards under this subtitle, the harmonized standards in their entirety and as the exclusive laws of the State that relate to the harmonized standards.

''(6) STATE LAW.—The term 'State law' means all laws, decisions, rules, regulations, or other State actions (including actions by a State agency) having the effect of law, of any State.

"SEC. 2932. HARMONIZED STANDARDS.

''(a) BOARD.—

''(1) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this title, the Secretary, in consultation with the NAIC, shall establish the Health Insurance Consensus Standards Board (referred to in this subtitle as the 'Board') to develop recommendations that harmonize inconsistent State health insurance laws in accordance with the procedures described in subsection (b).

''(2) COMPOSITION.—

''(A) IN GENERAL.—The Board shall be composed of the following voting members to be appointed by the Secretary after considering the recommendations of professional organizations representing the entities and constituencies described in this paragraph:

''(i) Four State insurance commissioners as recommended by the National Association of Insurance Commissioners, of which 2 shall be Democrats and 2 shall be Republicans, and of which one shall be designated as the chairperson and one shall be designated as the vice chairperson.

''(ii) Four representatives of State government, two of which shall be governors of States and two of which shall be State legislators, and two of which shall be Democrats and two of which shall be Republicans.

''(iii) Four representatives of health insurers, of which one shall represent insurers that offer coverage in the small group market, one shall represent insurers that offer coverage in the large group market, one shall represent insurers that offer coverage in the individual market, and one shall represent carriers operating in a regional market.

''(iv) Two representatives of insurance agents and brokers.

''(v) Two independent representatives of the American Academy of Actuaries who have familiarity with the actuarial methods applicable to health insurance.

''(B) EX OFFICIO MEMBER.—A representative of the Secretary shall serve as an ex officio member of the Board.

''(3) ADVISORY PANEL.—The Secretary shall establish an advisory panel to provide advice to the Board, and shall appoint its members after considering the recommendations of professional organizations representing the entities and constituencies identified in this paragraph:

''(A) Two representatives of small business health plans.

''(B) Two representatives of employers, of which one shall represent small employers and one shall represent large employers.

''(C) Two representatives of consumer organizations.

''(D) Two representatives of health care providers.

''(4) QUALIFICATIONS.—The membership of the Board shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health plans, providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

''(5) ETHICAL DISCLOSURE.—The Secretary shall establish a system for public disclosure by members of the Board of financial and other potential conflicts of interest relating to such members. Members of the Board shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95–521).

''(6) DIRECTOR AND STAFF.—Subject to such review as the Secretary deems necessary to assure the efficient administration of the Board, the chair and vice-chair of the Board may—

''(A) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

''(B) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

''(C) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Board (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

''(D) make advance, progress, and other payments which relate to the work of the Board;

''(E) provide transportation and subsistence for persons serving without compensation; and

''(F) prescribe such rules as it deems necessary with respect to the internal organization and operation of the Board.

''(7) TERMS.—The members of the Board shall serve for the duration of the Board. Vacancies in the Board shall be filled as needed in a manner consistent with the composition described in paragraph (2).

''(b) DEVELOPMENT OF HARMONIZED STANDARDS.—

''(1) IN GENERAL.—In accordance with the process described in subsection (c), the Board shall identify and recommend nationally harmonized standards for each of the following process categories:

''(A) FORM FILING AND RATE FILING.—Form and rate filing standards shall be established which promote speed to market and include the following defined areas for States that require such filings:

''(i) Procedures for form and rate filing pursuant to a streamlined administrative filing process.

''(ii) Timeframes for filings to be reviewed by a State if review is required before they are deemed approved.

''(iii) Timeframes for an eligible insurer to respond to State requests following its review.

''(iv) A process for an eligible insurer to self-certify.

''(v) State development of form and rate filing templates that include only non-preempted State law and Federal law requirements for eligible insurers with timely updates.

''(vi) Procedures for the resubmission of forms and rates.

''(vii) Disapproval rationale of a form or rate filing based on material omissions or violations of non-preempted State law or Federal law with violations cited and explained.

''(viii) For States that may require a hearing, a rationale for hearings based on violations of non-preempted State law or insurer requests.

''(B) MARKET CONDUCT REVIEW.—Market conduct review standards shall be developed which provide for the following:

''(i) Mandatory participation in national databases.

''(ii) The confidentiality of examination materials.

''(iii) The identification of the State agency with primary responsibility for examinations.

''(iv) Consultation and verification of complaint data with the eligible insurer prior to State actions.

''(v) Consistency of reporting requirements with the recordkeeping and administrative practices of the eligible insurer.

''(vi) Examinations that seek to correct material errors and harmful business practices rather than infrequent errors.

''(vii) Transparency and publishing of the State's examination standards.

''(viii) Coordination of market conduct analysis.

''(ix) Coordination and nonduplication between State examinations of the same eligible insurer.

''(x) Rationale and protocols to be met before a full examination is conducted.

''(xi) Requirements on examiners prior to beginning examinations such as budget planning and work plans.

''(xii) Consideration of methods to limit examiners' fees such as caps, competitive bidding, or other alternatives.

''(xiii) Reasonable fines and penalties for material errors and harmful business practices.

''(C) PROMPT PAYMENT OF CLAIMS.—The Board shall establish prompt payment standards for eligible insurers based on standards similar to those applicable to the Social Security Act as set forth in section 1842(c)(2) of such Act (42 U.S.C. 1395u(c)(2)). Such prompt payment standards shall be consistent with the timing and notice requirements of the claims procedure rules to be specified under subparagraph (D), and shall include appropriate exceptions such as for fraud, nonpayment of premiums, or late submission of claims.

''(D) INTERNAL REVIEW.—The Board shall establish standards for claims procedures for eligible insurers that are consistent with the requirements relating to initial claims for benefits and appeals of claims for benefits under the Employee Retirement Income Security Act of 1974 as set forth in section 503 of such Act (29 U.S.C. 1133) and the regulations thereunder.

''(2) RECOMMENDATIONS.—The Board shall recommend harmonized standards for each element of the categories described in subparagraph (A) through (D) of paragraph (1) within each such market. Notwithstanding the previous sentence, the Board shall not recommend any harmonized standards that disrupt, expand, or duplicate the benefit, service, or provider mandate standards provided in the Benefit Choice Standards pursuant to section 2922(a).

''(c) PROCESS FOR IDENTIFYING HARMONIZED STANDARDS.—

''(1) IN GENERAL.—The Board shall develop recommendations to harmonize inconsistent State insurance laws with respect to each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

''(2) REQUIREMENTS.—In adopting standards under this section, the Board shall consider the following:

''(A) Any model acts or regulations of the National Association of Insurance Commissioners in each of the process categories described in subparagraphs (A) through (D) of subsection (b)(1).

''(B) Substantially similar standards followed by a plurality of States, as reflected in existing State laws, relating to the specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

''(C) Any Federal law requirement related to specific process categories described in subparagraphs (A) through (D) of subsection (b)(1).

''(D) In the case of the adoption of any standard that differs substantially from those referred to in subparagraphs (A), (B), or (C), the Board shall provide evidence to the Secretary that such standard is necessary to protect health insurance consumers or promote speed to market or administrative efficiency.

''(E) The criteria specified in clauses (i) through (iii) of subsection (d)(2)(B).

''(d) RECOMMENDATIONS AND CERTIFICATION BY SECRETARY.—

''(1) RECOMMENDATIONS.—Not later than 18 months after the date on which all members of the Board are selected under subsection (a), the Board shall recommend to the Secretary the certification of the harmonized standards identified pursuant to subsection (c).

''(2) CERTIFICATION.—

''(A) IN GENERAL.—Not later than 120 days after receipt of the Board's recommendations under paragraph (1), the Secretary shall certify the recommended harmonized standards as provided for in subparagraph

(B), and issue such standards in the form of an interim final regulation.

''(B) CERTIFICATION PROCESS.—The Secretary shall establish a process for certifying the recommended harmonized standard, by category, as recommended by the Board under this section. Such process shall—

''(i) ensure that the certified standards for a particular process area achieve regulatory harmonization with respect to health plans on a national basis;

''(ii) ensure that the approved standards are the minimum necessary, with regard to substance and quantity of requirements, to protect health insurance consumers and maintain a competitive regulatory environment; and

''(iii) ensure that the approved standards will not limit the range of group health plan designs and insurance products, such as catastrophic coverage only plans, health savings accounts, and health maintenance organizations, that might otherwise be available to consumers.

''(3) EFFECTIVE DATE.—The standards certified by the Secretary under paragraph (2) shall be effective on the date that is 18 months after the date on which the Secretary certifies the harmonized standards.

''(e) TERMINATION.—The Board shall terminate and be dissolved after making the recommendations to the Secretary pursuant to subsection (d)(1).

''(f) ONGOING REVIEW.—Not earlier than 3 years after the termination of the Board under subsection (e), and not earlier than every 3 years thereafter, the Secretary, in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, shall prepare and submit to the appropriate committees of Congress a report that assesses the effect of the harmonized standards on access, cost, and health insurance market functioning. The Secretary may, based on such report and applying the process established for certification under subsection (d)(2)(B), in consultation with the National Association of Insurance Commissioners and the entities and constituencies represented on the Board and the Advisory Panel, update the harmonized standards through notice and comment rulemaking.

''(g) PUBLICATION.—

''(1) LISTING.—The Secretary shall maintain an up to date listing of all harmonized standards certified under this section on the Internet website of the Department of Health and Human Services.

''(2) SAMPLE CONTRACT LANGUAGE.—The Secretary shall publish on the Internet website of the Department of Health and Human Services sample contract language that incorporates the harmonized standards certified under this section, which may be used by insurers seeking to qualify as an eligible insurer. The types of harmonized standards that shall be included in sample contract language are the standards that are relevant to the contractual bargain between the insurer and insured.

''(h) STATE ADOPTION AND ENFORCEMENT.—Not later than 18 months after the certification by the Secretary of harmonized standards under this section, the States may adopt such harmonized standards (and become an adopting State) and, in which case, shall enforce the harmonized standards pursuant to State law.

''SEC. 2933. APPLICATION AND PREEMPTION.

''(a) SUPERCEDING OF STATE LAW.—

''(1) IN GENERAL.—The harmonized standards certified under this subtitle shall supersede any and all State laws of a non-adopting State insofar as such State laws relate to the areas of harmonized standards as applied to an eligible insurer, or health insurance coverage issued by a eligible insurer, including with respect to coverage issued to a small business health plan, in a nonadopting State.

''(2) NONADOPTING STATES.—This subtitle shall supersede any and all State laws of a nonadopting State (whether enacted prior to or after the date of enactment of this title) insofar as they may—

''(A) prohibit an eligible insurer from offering, marketing, or implementing health insurance coverage consistent with the harmonized standards; or

''(B) have the effect of retaliating against or otherwise punishing in any respect an eligible insurer for offering, marketing, or implementing health insurance coverage consistent with the harmonized standards under this subtitle.

''(b) SAVINGS CLAUSE AND CONSTRUCTION.—

''(1) NONAPPLICATION TO ADOPTING STATES.—Subsection (a) shall not apply with respect to adopting States.

''(2) NONAPPLICATION TO CERTAIN INSURERS.—Subsection (a) shall not apply with respect to insurers that do not qualify as eligible insurers who offer health insurance coverage in a nonadopting State.

''(3) NONAPPLICATION WHERE OBTAINING RELIEF UNDER STATE LAW.—Subsection (a)(1) shall not supercede any State law of a nonadopting State to the extent necessary to permit individuals or the insurance department of the State (or other State agency) to obtain relief under State law to require an eligible insurer to comply with the harmonized standards under this subtitle.

''(4) NO EFFECT ON PREEMPTION.—In no case shall this subtitle be construed to limit or affect in any manner the preemptive scope of sections 502 and 514 of the Employee Retirement Income Security Act of 1974. In no case shall this subtitle be construed to create any cause of action under Federal or State law or enlarge or affect any remedy available under the Employee Retirement Income Security Act of 1974.

''(c) EFFECTIVE DATE.—This section shall apply beginning on the date that is 18 months after the date on harmonized standards are certified by the Secretary under this subtitle.

''SEC. 2934. CIVIL ACTIONS AND JURISDICTION.

''(a) IN GENERAL.—The district courts of the United States shall have exclusive jurisdiction over civil actions involving the interpretation of this subtitle.

''(b) ACTIONS.—An eligible insurer may bring an action in the district courts of the United States for injunctive or other equitable relief against any officials or agents of a nonadopting State in connection with any conduct or action, or proposed conduct or action, by such officials or agents which violates, or which would if undertaken violate, section 2933.

''(c) DIRECT FILING IN COURT OF APPEALS.—At the election of the eligible insurer, an action may be brought under subsection (b) directly in the United States Court of Appeals for the circuit in which the nonadopting State is located by the filing of a petition for review in such Court.

''(d) EXPEDITED REVIEW.—

''(1) DISTRICT COURT.—In the case of an action brought in a district court of the United States under subsection (b), such court shall complete such action, including the issuance of a judgment, prior to the end of the 120-day period beginning on the date on which such action is filed, unless all parties to such proceeding agree to an extension of such period.

''(2) COURT OF APPEALS.—In the case of an action brought directly in a United States Court of Appeal under subsection (c), or in the case of an appeal of an action brought in a district court under subsection (b), such Court shall complete all action on the petition, including the issuance of a judgment, prior to the end of the 60-day period beginning on the date on which such petition is filed with the Court, unless all parties to such proceeding agree to an extension of such period.

''(e) STANDARD OF REVIEW.—A court in an action filed under this section, shall render a judgment based on a review of the merits of all questions presented in such action and shall not defer to any conduct or action, or proposed conduct or action, of a nonadopting State.

''SEC. 2935. AUTHORIZATION OF APPROPRIATIONS; RULE OF CONSTRUCTION.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

''(b) HEALTH SAVINGS ACCOUNTS.—Nothing in this subtitle shall be construed to inhibit the development of health savings accounts pursuant to section 223 of the Internal Revenue Code of 1986.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, January 24, 2007, at 10 a.m. in room SR–253 of the Russell Senate Office Building.

The purpose of the hearing is to evaluate the state of the airline industry, and the potential impacts of airline mergers and industry consolidation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, January 24, 2007, at 9:45 a.m. in room SD–366 of the Dirksen Senate Office Building

The purpose of the hearing is to receive testimony on analysis recently completed by the Energy Information Administration, Energy Market and Economic Impacts of a Proposal to Reduce Greenhouse Gas Intensity with a Cap and Trade System.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, January 24, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Michael J. Astrue, to be Commissioner of Social Security.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate

on Wednesday, January 24, 2007, at 9 a.m. to hold a business meeting in 216 of the Hart Senate Office Building to consider Senate Concurrent Resolution 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, January 24, 2007 at 10 a.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, January 24, 2007, at 10 a.m. for a business meeting to consider pending committee business.

Agenda

(1) Funding resolution.

(2) Rules of procedure of the Committee on Homeland Security and Governmental Affairs.

(3) Appointment of subcommittee chairmen and ranking members.

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

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. I ask unanimous consent that Janice Camp be granted the privileges of the floor for the duration of this session of Congress.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that tomorrow, following the prayer and the pledge, the Senate resume consideration of H.R. 2; that the Senate then resume consideration of the DeMint amendment No. 158; that there be a time limitation prior to a vote in relation to the amendment of 1 hour, equally divided between Senators KENNEDY and DEMINT; that no amendments to the amendment be in order prior to a vote in relation to the amendment; and that at the conclusion or yielding back of the time, the Senate vote in relation to the amendment.

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

PROGRAM

Mr. REID. Mr. President, we are working with the Republican leader's staff to arrange for votes throughout tomorrow's session in relation to several amendments. So Members should be on notice there will be a vote at approximately 10:30 tomorrow morning, and there will be other votes throughout the day.

I would say that we have five or six amendments all teed up to vote on. We have a few more things—we have one we thought we could vote on in the morning, but we could not get the person offering the amendment on the minority side to allow us to go forward. We hope we can work that out either later tonight or in the morning.

We would like to move through this bill, but we cannot do that unless people are willing to let us vote on their amendments. So after the vote tomorrow at 10:30, hopefully we will have more to tell the body as to what votes have been able to be lined up for later in the day.

Everyone should know that it is unlikely there will be any votes from about 1 to 2 o'clock tomorrow. Other than that, everything is fair game.

ORDERS FOR THURSDAY, JANUARY 25, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, January 25; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2, as provided under the previous order.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:44 p.m., adjourned until Thursday, January 25, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

DEPARTING 2006 PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. KILDEE. Madam Speaker, today is a day of mixed emotion for all of us who work with the Page Program. It is time to say goodbye to 26 young aspiring individuals who have served the U.S. Congress for the last 5 months.

On behalf of the U.S. House of Representatives, I would like to thank you all for your hard work, commitment and dedication to the Page Program.

I know you have made your families, friends and communities back home proud, and I am certain that they will be glad to get you back. As difficult as it is to say good-bye, I trust that you will take with you memories, experlences and friends that will last a lifetime. Take with you also our sincere thanks for a job well done. Your hard work and dedication have proven that you are young people with strength, courage and character. We look forward to hearing about all of your many future successes. Best wishes for safe travels home, luck in the rest of your Junior year, and much happiness always. There is no question that you are all destined for bright futures.

May God bless you all.

DEPARTING PAGES FOR 2006

1. Nicole Alexander—TX
2. Alexandra Beletic—UT
3. Chelsea L. Bryan—FL
4. Rebecca Dawson—AL
5. Christopher Day—FL
6. Austen Edwards—GA
7. Alex Finch—MI
8. Emily Hall—IA
9. Brittany Hatley—CA
10. Virginia Heppner—VA
11. Samuel Hocking—NJ
12. Xavier Jackson—FL
13. Chelsea Kerkstra—MI
14. Erica Kuhlman—PA
15. Chelsea Loehr—KS
16. Patrick McConlogue—CA
17. Jaime Mendal—FL
18. Jamie Morrisey—PA
19. Mariah Mumford—MI
20. Zachary Owens—IL
21. Erik Rison—VA
22. Arriel Rubinstein—NJ
23. Blaise Selby—CO
24. Kayla Smith—IA
25. Alex Vincent—PA
26. Adam Zeldin—AZ

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Mr. BACHUS. Madam Speaker, I rise in strong support of H.R. 392, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act, introduced by the gentlewoman from the District of Columbia, Ms. NORTON.

We are all aware of the popularity of the 50-State quarter program, which will continue through 2008. The Treasury has benefited from more than $6 billion worth of quarters taken out of circulation by serious and amateur collectors alike.

The gentleman from Delaware, Mr. CASTLE, deserves great credit for the State quarters program. He came up with the idea, worked tirelessly through two Congresses, and brought the Treasury Department on board back in the mid-1990s.

H.R. 392 would establish a quarters program for the District of Columbia and U.S. territories in 2009, after the 50-State program runs its course. This is actually the fifth Congress in which we've tried to pass this program. I managed consideration of the bill in the House in September 2000. It has passed the House in every succeeding Congress, but has never been taken up—even at the committee level—in the other body.

The quarters program has immense educational value. Teachers prepare lesson plans based on each new quarter, and parents save them and discuss them with their children. H.R. 392 is a way to recognize the contributions made to the United States by people from the District of Columbia, Puerto Rico and the territories.

Madam Speaker, this is good legislation, and I am glad we are taking it up as one of the first bills from the Financial Services Committee in the 110th Congress. This is bipartisan legislation, as much of the work product of the committee has been since I came to Congress, and I look forward to continuing that tradition with the new chairman, the gentleman from Massachusetts, Mr. FRANK. I only hope that this time, the legislation will win full congressional approval and be sent to the President for his signature.

Madam Speaker, I welcome this bill and urge its immediate adoption.

INTRODUCTION OF THE KEEPING FAMILIES TOGETHER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STARK. Madam Speaker, I rise today to join Congressmen RAMSTAD and KENNEDY in introducing the bipartisan and bicameral "Keeping Families Together Act." This bill is a first step in ending the practice of custody relinquishment, which the President's New Freedom Commission on Mental Health called "appalling." Every year, families are forced to give up legal custody of their severely mentally ill children to State child welfare agencies in order get these children the health care they need. Senators SUSAN COLLINS (ME) and TOM HARKIN (IA) are introducing companion legislation in the Senate.

Imagine being the parent of a sick child desperately in need of assistance. Your private insurance does not cover mental health care, yet you earn too much to qualify for Medicaid. If you want your child to get treatment you must turn over custody to the child welfare or juvenile justice agency. Now, imagine what affect this awful situation has on the child. The child is already battling mental illness and is now "abandoned" by their family and stigmatized as a "foster child."

These are horrible decisions that a family should never be forced to make. Yet, a 2003 GAO report, surveying 19 States, found that over 12,700 mentally ill children were placed with child welfare or juvenile justice agencies for the sole purpose of obtaining needed mental health care. The actual number of families torn apart is certainly much higher when all 50 States are taken into account.

The Bazelon Center for Mental Health Law has further elaborated on the situations that cause parents and guardians to have to give up their mentally ill children to State agencies. These situations include the following:

The family has either exhausted private health benefits, or the benefits did not cover the required services, such as residential treatment programs.

The family lives in a jurisdiction in which children are deprived of mental health services through the Individuals with Disabilities Act (IDEA) as a result of a restrictive definition of serious mental illness. For example, the school simply labels these children as "discipline problems" and do not properly identify their mental illness.

The family resides in a jurisdiction that falsely interprets federal child welfare law (Title IV–E of the Foster Care and Adoption Assistance Program) as requiring custody relinquishment even for temporary out-of-home placements.

Whatever the cause may be for the families' desperate situation, their nightmare is certainly real. The "Keeping Families Together Act" is a first step toward ending this nightmare and ensuring children get the care they need without being torn from their families.

This bill does two primary things:

It creates $100 million in competitive State grants over 6 years to improve access to State mental health and family support services for families in danger of losing their children because they cannot afford mental health care. States are eligible if they are willing to end the practice of child custody relinquishment and create alternate avenues to getting children needed care while keeping them with their families.

It establishes a federal interagency task force, as recommended by the April 2003 GAO report, to monitor and evaluate the family support grants. The task force will make recommendations to Congress for improving mental health services and removing barriers that have caused child custody relinquishment. This will give Congress the information we

need to take further action in the future to end custody relinquishment across the country.

This bill is a great start, however, the bill is only large enough to provide a handful of States with grants. Therefore, it is critical that we work with the aforementioned task force to examine what is working in the grantee States. We can then begin to implement those solutions in all States.

We have known about this problem for many years. Along with my colleagues, Senator COLLINS and HARKIN and Representatives RAMSTAD and KENNEDY, I have worked hard to educate the public and the Congress about this issue. Unfortunately, education and awareness are no longer enough. We first introduced legislation on this issue in 1995. Now is the time to act.

The ''Keeping Families Together Act'' is a crucial first step toward ending the barbaric practice of custody relinquishment. I hope my colleagues and I can work together to quickly implement this legislation. This bill will allow many, but not all, States to develop innovative new programs that address the mental health needs of children while keeping families intact. Once we have learned what succeeds at the State level, we must then return to this issue and enact legislation that will end the practice of custody relinquishment in all States.

COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in strong support of H.R. 5, the College Student Relief Act of 2007. I am proud to be a cosponsor of this important bill, and I congratulate Speaker PELOSI and Chairman MILLER for bringing this legislation to the floor in the first 100 hours. This action is a clear indication that the new democratic majority understands that college affordability is a key part of ensuring our global competitiveness in the future.

H.R. 5 will cut the interest rate on student loans in half over the next 5 years. This will save students an average of $4,400 over the life of their loan. And because the effort is focused on subsidized loans, the relief will assist those who need it most—low and middle income families.

The cost of higher education is growing out of reach for too many Americans. Tuition has increased 60 percent at the University of Minnesota since 2000 and student debt loads are skyrocketing. A recent study showed that this debt load is causing graduating students to delay decisions such as buying a home, getting married, or having children.

The College Student Relief Act is important, not only for students and families, but for our country. If we do not address this problem, by 2020 the United States is projected to face a shortage of up to 12 million college-educated workers. Our strength as a nation has always been the talent and skills of our citizens. To ensure this continues, the most important investment this Congress can and must make is in the education of our people. Access to quality education, including vocational and technical training schools, will prepare a highly skilled workforce to compete in the growing global economy.

And today we can make an investment in our future without adding to the deficit. H.R. 5 meets the Democrats new pay-as-you-go requirements by increasing efficiencies in the current program and redirecting the savings back to students. This is in stark contrast to the Republican plan last year which cut $12 billion from the student aid program and used those savings to pay for tax cuts for the Nation's wealthiest.

H.R. 5 is a promise kept and a first step in improving access to higher education. I look forward to working with my colleagues to continue this effort throughout the 110th Congress.

HONORING CAPTAIN ROBERT L. CURBEAM

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Robert L. Curbeam, Captain, United States Navy and National Aeronautics and Space Administration Astronaut. Over the years, Captain Curbeam has served his country to the best of his ability and deserves recognition for his leadership and accomplishments.

Captain Curbeam was raised in Turner's Station, and graduated from Woodlawn High School in Baltimore County, Maryland, in 1980. He received his bachelor of science degree in aerospace engineering from the United States Naval Academy in 1984. He received his master of science degree in aeronautical engineering from the Naval Postgraduate School in 1990 and a degree of aeronautical and astronautical engineering from the Naval Postgraduate School in 1991. He is currently a member of the U.S. Naval Academy Alumni Association and the Association of Old Crows. Captain Curbeam's numerous awards include Fighter Wing One Radar Intercept Officer of the Year for 1989 and the U.S. Naval Test Pilot School Best Developmental Thesis Award.

Upon graduation from the U.S. Naval Academy, Captain Curbeam commenced Naval Flight Officer training in 1984. In 1986 he reported to Fighter Squadron 11 and made overseas deployments to the Mediterranean and Caribbean Seas, and the Arctic and Indian Oceans on board the USS *Forrestal.* During his tour with Fighter Squadron 11, he also attended Navy Fighter Weapons School. Upon completion of Test Pilot School in December 1991, he reported to the Strike Aircraft Test Directorate where he was the project officer for the F–14A/B Air-to-Ground Weapons Separation Program. In August 1994, he returned to the U.S. Naval Academy as an instructor in the Weapons and Systems Engineering Department.

Selected to be an astronaut by NASA in December 1994, Curbeam reported to the Johnson Space Center in March 1995. After completing a year of training and evaluation, he was assigned to the Computer Support Branch in the Astronaut Office. A veteran of two space flights, STS–85 in 1997 and STS–98 in 2001, Curbeam logged over 593 hours in space, including over 19 EVA hours during three spacewalks. Curbeam served as a spacecraft communicator (CAPCOM) responsible for relaying all voice communication between Mission Control and crews aboard the Space Shuttle and International Space Station. During the spring of 2002, he served as Deputy Associate Administrator for Safety and Mission Assurance, at NASA Headquarters, Washington, DC. Currently, Curbeam serves as the Safety Branch Chief for the Astronaut Office.

Captain Curbeam was named to NASA's most recent mission STS–116 in 2003. The mission launched on December 9, 2006. During Space Shuttle *Discovery's* 13-day mission to the International Space Station, the STS–116 crew continued construction of the station during the first of four spacewalks. The next two spacewalks rewired the station's power system, preparing it to support the station's final configuration and the arrival of additional science modules. A fourth spacewalk was added to allow the crew to retract solar arrays that had folded improperly.

As the only STS–116 crew member to participate in all four spacewalks, Captain Curbeam set a Space Shuttle Program record for the most spacewalks performed by one astronaut during a single mission.

Madam Speaker, I ask that you join with me today to honor CAPT Robert L. Curbeam. He is a remarkable leader and has served the citizens of Maryland and the United States exceptionally throughout his career.

TRIBUTE TO SAINTS PETER AND PAUL CATHOLIC PARISH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Saints Peter and Paul Catholic Parish in my hometown of Collinsville, Illinois, on their 150th anniversary. The parish is a part of the Diocese of Springfield, Illinois.

The first church was built in 1856 on the land that is still owned by the parish. The first pastor of the church, Father W. Repis, came in November 1857. The parish is currently ministered by Rev. John Beveridge, pastor since 1999, and Rev. Aloysius O. Ndeanaefo, parochial vicar.

In 1863, grounds for the cemetery were purchased. In 1879, the Parish school was opened, and it remains committed to a Christian education today.

On December 31, 2005, the parish began celebrating their sesquicentennial. After a full year of special events, a concluding mass will be celebrated by Bishop George Lucas on January 14, 2007.

I am pleased to congratulate Saints Peter and Paul Catholic Parish on this accomplishment. May God bless Saints Peter and Paul Catholic Parish.

TRIBUTE TO RODGER REEVES MEIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to an admirable leader and beloved friend, Rodger Reeves Meier. As a dedicated hard worker, Mr. Meier was committed to his family, career, and community. His life exemplifies an attainable American dream. Mr. Meier was dedicated to balancing a life of family and career as he grew within the Dallas community and for this I commend his legacy.

As a young perseverant man, Mr. Meier completed high school in 1941. He then attended Texas Christian University where he met his partner for life. In 1946, Mr. Meier married Ms. Joyce Fowler. Shortly thereafter they both moved to Dallas, TX, to start the well-respected Meier family.

In 1952, Mr. Meier was appointed the first Dallas representative of the Cuban Tourist Institute. This accomplishment is one of many, as this allowed for him to continue to grow within the community. He was later named district agency and interline sales manager for the Cuban Tourist Institute. Continuing a path to a great career, Mr. Meier became a senior executive at the E.F. McDonald Company.

In 1969, a diligent Rodger Meier opened his Cadillac franchise on LBJ Freeway. Both he and his son worked together to expand the family owned business. In 1990, they added an Infiniti franchise and in 1994 an Oldsmobile brand. After years of dedication to his business, Mr. Meier sold his business and retired so that he could dedicate his time to charity work.

During his retirement, Mr. Meier became an outstanding community leader. He was chairman of the Dallas/Fort Worth International Airport board, the Dallas Chamber of Commerce, the National Conference of Christians and Jews, and the American Cancer Society. His work with the American Red Cross, Greenhill School, and Dallas Community College made an immeasurable impact to the Dallas community.

On behalf of the Dallas, TX, community, I am honored to commend the life of an astounding man and my dear friend, Rodger Meier.

CANINE DETECTION TEAM IMPROVEMENT ACT OF 2007

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. CARNEY. Madam Speaker, some of the nation's most dedicated citizens stand at the ready each and every day, working to detect and prevent the next terrorist attack on our soil. They are vital to our security and are to be commended. Often, they fulfill this critical homeland security work with significant help from what we have come to call ''man's best friend.'' Canines trained to detect explosives and other dangerous materials regularly roam our nation's airports, subways, and ports, anywhere else that they are needed to deter, prevent, detect and respond to terrorist threats. U.S. Customs and Border Protection, the United States Secret Service, the Coast Guard, and the Federal Protective Service regularly use canine detection teams to secure National Special Security Events and to protect Federal buildings and their occupants.

As a consequence of September 11, demand for trained explosive detection dogs has increased dramatically. Today, there simply are not enough trained dogs to meet the demand. There also are no national standards to certify a dog as a capable bomb-sniffing dog or drug-sniffing dog. In the absence of national training and certification standards, there have been a number of cases of fraudulent operations and the use of inadequatelytrained canines and canine handlers. In one documented case, a Virginia man, Russell Lee Ebersole, was hired to protect several government buildings, including the Federal Reserve Board. In multiple tests his dogs failed to detect 50 pounds of dynamite, 50 pounds of TNT, or 15 pounds of C–4 in the agency's parking facilities.

The ''Canine Detection Team Improvement Act of 2007,'' which Rep. MIKE ROGERS of Alabama is introducing today and on which I am the Democratic original cosponsor, will make the United States more secure by addressing the shortage of trained canine detection teams and establishing standards for canine detection teams and an accreditation process to assure Federal, State, local and tribal authorities that the dog they look rely on to help defend the homeland can get the job done.

Specifically, the bill directs the Secretary of Homeland Security to coordinate all training programs within the Department, including research and development of new canine training methods. The bill also directs the Secretary to consult on the use of canines with other Federal agencies, nonprofit organizations, universities, and private training facilities in order to increase the number oftrained canines available to Federal, State, and local law enforcement. By coordinating all programs within the Department and working with outside resources, section 2001 empowers the Secretary to build upon the synergy of multiple resources to enhance dog training programs.

Section 2002 of the bill addresses canine procurement. It directs the Secretary to make it a priority to increase domestically bred canines used by the Department, and includes a provision encouraging the use of universities and private and non-profit organizations to accomplish this effort. This bill's section also directs the Secretary to consult with other public and private entities to not only encourage the use of domestic bred canines, but also to work with them to consolidate canine procurement wherever possible in the hopes to reduce the cost of purchasing canines across the Federal Government. Section 2003 of the bill is a ''Domestic Canine Breeding Grant Program'' for further encouragement of the development and growth of canine breeds best suited for detection training purposes.

However, perhaps the most significant accomplishment of this law is the establishment of an accreditation board, which will ensure proper certification standards. The board will consist of experts in the field of canine training and explosives detection from Federal and State agencies, universities, other research institutions, and the private sector. It is modeled after the executive board of the Scientific Working Group on Dog and Orthogonal Detectors, or SWGDOG as it is popularly known. This group has already done a tremendous job in bringing together the major stakeholders in canine detection and I applaud them for their work on this issue. This law will build upon the success of SWGDOG in order to ensure the proper standards for voluntary certification are applied and maintained. The board will maintain a public list of accredited entities upon which other agencies, Federal, State, and local can rely for qualified canines. The aim of this board is to reduce misrepresentative, fraudulent or otherwise improper certification of dogs and their training organizations, but ultimately the board will ensure public safety and the safety of law enforcement.

Before closing, I want to personally thank MIKE ROGERS from Alabama. Under his leadership in the previous Congressional session, the Committee on Homeland Security began to address this issue. He held a hearing in the previous Congress entitled ''Sniffing Out Terrorism: The Use of Dogs in Homeland Security.'' Many of the findings from that hearing were a source of guidance in writing this legislation and I thank him for his stewardship on this issue. I urge my colleagues in the House of Representatives to join me in passing this very critical legislation.

INTRODUCTION OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. BECERRA. Madam Speaker, I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. This bill would create a commission to review and determine facts and circumstances surrounding the relocation, internment, and deportation of Japanese Latin Americans, and subsequently recommend appropriate remedies.

This year marks the 65th anniversary of the day that then President D. Roosevelt signed Executive Order 9066 that led to the internment of 120,000 persons of Japanese ancestry. With the stroke of a pen, innocent men, women, and children became prisoners and were branded disloyal to the nation they called home. Lives were disrupted and homes were broken as these Americans were uprooted from their communities and locked behind barbed wire fences. Over the past years, the anniversary of this date has been nationally observed with educational events to increase public awareness about the World War II experience, recognize the unjust action, and to provide an opportunity for all people to reflect on the importance of justice and civil liberties during times of crisis and war.

The 1981 Commission on Wartime Relocation and Internment of Civilians concluded that the internment was the result of racism and wartime hysteria. Five years after publishing its findings, then President Ronald Reagan signed the Civil Liberties Act of 1988 that provided an official apology and financial redress

to most of the Japanese Americans who were subjected to wrongdoing and confined in U.S. internment camps during World War II. Those loyal Americans were vindicated by the fact that not a single documented case of sabotage or espionage was committed by a Japanese American during that time. The Civil Liberties Act was the culmination of a half century of struggle to bring justice to those for whom it was denied. I am proud that our nation did the right thing. But 19 years after the passage of this act, there still remains unfinished work to completely rectify and close this regrettable chapter in our nation's history.

Between December 1941 and February 1945, approximately 2,300 men, women, and children of Japanese ancestry became the victims of mass abduction and forcible deportation from 13 Latin American countries to the United States. The U.S. government orchestrated and financed the deportation of Japanese Latin Americans to be used as hostages in exchange for Americans held by Japan. Over 800 individuals were included in two prisoner of war exchanges between the U.S. and Japan, where many were deported to a foreign country that they had never set foot on since their ancestors' immigration to Latin America. The remaining Japanese Latin Americans were imprisoned in internment camps without the benefit of due process rights until after the end of the war.

Further study of the events surrounding the deportation and incarceration of Japanese Latin Americans is both merited and necessary. The 1981 Commission on Wartime Relocation and Internment of Civilians acknowledged the federal actions in detaining and interning civilians of enemy or foreign nationality, particularly of Japanese ancestry, but the commission had not thoroughly researched the historical documents that exist in distant archives pertaining to Japanese Latin Americans.

It is for all these reasons, Madam Speaker, that I rise today to introduce the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. We must review directives of the United States military forces and the State Department requiring the relocation, detention in internment camps, and deportation of Japanese Latin Americans to Axis countries and recommend appropriate remedies based upon preliminary findings by the original commission and new discoveries. It is the right thing to do to affirm our commitment to democracy and the rule of law.

I am proud that there are many Members of Congress and community activists who have come together in this continuous fight for justice. I especially thank Representatives DAN LUNGREN, MIKE HONDA, and CHRIS CANNON for their commitment to this issue and joining me in this effort. The Campaign for Justice and the Japanese American Citizens League have been the vanguard organizations driving this effort.

Madam Speaker, let us renew our resolve to build a better future for our community by dedicating ourselves to remembering how we compromised liberty in the past by passing the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act. Doing so will help us guard it more closely in the future and help us commit ourselves to justice.

INTRODUCTION OF THE KEEPING FAMILIES TOGETHER ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. KENNEDY. Madam Speaker, imagine having a child with a potentially fatal disease. Imagine the pain of watching your child suffer, even while effective treatments are out there, only not available to your family. Now imagine that you had to choose between watching your child in agony, maybe even slowly dying, or getting her the care she needs but only by relinquishing your parental rights.

This kind of choice is barbaric, senseless, and common.

I rise in support of the Keeping Families Together Act, a collective effort initiated by myself, Representative RAMSTAD, Representative STARK, and Senator COLLINS dedicated to improving the lives of children and adolescents living with mental disorders. The time is now to close systemic shortfalls in our social service and health care systems that revictimize children who suffer from chronic mental health disorders.

Every year in this country, thousands of families are forced to relinquish custody of their children to the state in order to secure vitally necessary—even life or death—health care for their seriously ill children. These needed services are extremely expensive and private insurance often runs out prior to children being adequately treated. The financial burden of caring for a child with a chronic mental illness often exceeds what a family can bear. Many of these children remain Medicaid-ineligible because their parents' income and assets prevent them for qualifying for this assistance. These are not families who want to turn their children over to state authorities. These are reluctant families. Families who have suffered, and have arrived at the all too painful reality that they have exhausted all resources available short of turning their child over to the State.

The choice between custody and care is one that no parent should be forced to make. Clinical child experts tell us that the best place for a child to receive care is in the context of a supportive family relationship. Intuitively, we know this to be true. The family is the primary institution of care and nurturing for children, and families should be empowered to provide the needed care for their children through access and support.

The cornerstone of the Keeping Families Together Act is the provision of competitive grants to states, conditioned on the existence of state laws and policies to ensure that children receive appropriate mental health services and that their parents do not have to relinquish custody of their children. These Family Support Grants will in part: (1) establish interagency systems of care as an alternative to custody relinquishment, (2) facilitate the design of a statewide system of care which would involve collaboration between state child-serving agencies, parents, providers, and other stakeholders, (3) only fund activities which demonstrate benefit to children who are already in or are at risk for entering state custody solely for the purpose of receiving mental health services.

This bill would establish a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems, make recommendations to Congress, and guide the implementation of the grant program. States will be required to report annually on the success of the programs and activities implemented by the State under the grant.

The Keeping Families Together Act seeks to redress the inexcusable emotional disruption that is inflicted upon thousands of children and their parents by maintaining a system of care that forces good families to relinquish custody of their children to the bureaucrats and institutions of the state. Nobody can think that kind of system is good for anyone, and it's no wonder this bill has broad bipartisan support. It is counterproductive, and clinically counter-indicated, to separate emotionally vulnerable children from their core system of nurturing and support. The Keeping Families Together Act provides the safety net that families need and deserve, because parental rights should never be a trade off for children's health care.

I look forward to working with my colleagues on both sides of the aisle to pass this law this year and keep these families together.

SOCIAL SECURITY AND MEDICARE IMPROVED BURN INJURY TREATMENT ACCESS ACT OF 2007

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. NEAL. Madam Speaker, I rise today to introduce the Social Security and Medicare Improved Burn Injury Treatment Access Act of 2007. This legislation provides a waiver of the 24-month waiting period now required before an uninsured individual becomes eligible for Medicare coverage for disabling burn injuries, as well as the five-month waiting period for Social Security disability benefits.

Each year an estimated 500,000 people are treated for burn injuries. Of these 500,000 injuries, about 40,000 require hospitalization. Fire and burn deaths average about 4,000 per year.

Burn care is highly specialized. While there are thousands of trauma centers in the United States, there are only 125 burn centers with a total burn-bed capacity of just over 1,800. These specialized burn centers treat about 25,000 or 200 admissions per year, out of the total 40,000 admissions, while the other 5,000 U.S. hospitals without burn centers average less than three burn admissions per year.

Medical care for serious burn injuries is very expensive, which places a great financial strain on burn centers, about 40 percent of whose patients are uninsured. Because of these financial challenges, burn centers in Pennsylvania, Mississippi, Iowa and South Carolina have closed in just the past two years.

This is occurring at a time when the federal govemment is asking burn centers to expand their capacity to deal with mass casualty scenarios. The Departments of Health and Human Services and Homeland Security have included burn centers in the Critical Benchmark Surge Capacity Criteria in the funding continuation requirements for state plans administered through the Health Resources and Services Administration (HRSA). HSS, in conjunction with the American Burn Association,

has created a real-time, web-based burn-bed capacity system in the national emergency preparedness center and funded Advanced Burn Life Support (ABLS) and clinical, on-site burn nurse training for 200 public health service nurses as a reserve capacity for potential mass burn casualty incidents, as well as supporting more than 20 ABLS courses with over 600 first-responders in ten key areas of the country.

The 9/11 terrorist attacks on New York City and Washington, D.C., and major accidents like the Rhode Island nightclub fire and North Carolina chemical plant explosions demonstrate the substantial number of burn injuries that can result from such events. Over one-third of those hospitalized in New York on 9/11 had severe burn injuries. The Department of Homeland Security has recognized that there would be mass burn casualties in terrorist acts, and there is a need for appropriate preparedness activities. For example, if the United States should suffer further terrorist attacks using explosions, incendiary devices or chemical weapons, most victims would suffer severe burn injuries.

Even a relatively modest number of burn injuries can consume large segments of the nation's burn bed capacity. For example, the victims of the Rhode Island nightclub fire absorbed the burn bed capacity of most of the northern East Coast of the United States. Mass burn casualties that reach into the hundreds or thousands would strain the system to the breaking point.

It is clear that burn centers are a national resource and a critical link to public health emergency preparedness. Medicare coverage for serious, disabling burn injuries would enable these burn centers to remain financially viable and preserve an essential component of our public health emergency infrastructure.

This legislation follows an approach already taken with respect to End Stage Renal Disease (ESRD) and amyotrophic lateral sclerosis (ALS or Lou Gehrig's disease), both of which result in waivers of the 24-month waiting period for Medicare eligibility. While these two diseases tend to be progressive in nature, the very initial phase of a serious burn injury is when things are most acute.

Providing immediate Medicare coverage for uninsured patients suffering serious, disabling burn injuries is a fully justified and necessary step. Although not all hospitalized burn injuries would qualify as "disabling" and thus result in immediate Medicare coverage, this legislation is about providing coverage for the many uninsured patients suffering from serious burn injuries and ensuring the survival of a vital national resource that already is in jeopardy, a situation we cannot accept as we seek to prepare the nation to deal with potential mass casualty terrorist events.

PARAMOUNT 50TH ANNIVERSARY

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, 50 years ago, on January 30, 1957, the village residents of Clearwater and Hynes, who shared a five-square mile area of Southeast Los Angeles, came together to preserve a way of life by merging their communities into the City of Paramount.

Clearwater, first settled in 1886, and Hynes, settled in 1898, were two villages mutually bonded through their shared dairy and hay industries. The new city was named after the main boulevard that ran through the business district. At the time of Paramount's incorporation, the area was one of the Nation's largest dairy producers and the world's biggest receiving point for hay. Paramount began as home to more cows than people, with an estimated 25,000 cows in its city limits. During this time Paramount did $1 million worth of business a month—$150,000 from cream alone. As the dairies thrived, so did the banks, grocery stores, businesses, and restaurants downtown.

During the 1960s and 70s, Paramount transitioned into a more urban landscape with many of the dairies moving out to more rural areas, taking a large portion of the local workforce with them. Neighboring and nearby cities built suburban shopping malls and housing developments, which strained the small merchants of Paramount and aided in the City's loss of business revenue.

By the late 1970s, the major agricultural centers of Paramount, known for its dairies and hay market, fields and feedlots, were overtaken by concrete and asphalt. Unfortunately, county planners thought Paramount was better suited for auto repair shops and salvage yards. The following years brought uncontrolled growth and ultimately lead to an overbuilt environment that eventually deteriorated in many areas of town. Despite such challenges, Paramount's fate was not sealed.

Paramount became the exception to the rule. The City took heed of its "disaster area" status in the early 1980s and, rather than sink under the weight of its problems, chose a proactive plan to turn itself around. This eventually turned Paramount's "Rust Belt" status into "The Revitalization of Paramount."

The City launched a concerted effort to make physical improvements everywhere in town. By using municipal tools like zoning ordinances, planning regulations, design guidelines, redevelopment, and economic incentives, the City took it upon itself to inspire its residents and business owners to think big and reach for something more. Thus began Paramount's turnaround.

By confronting urban blight and providing exceptional city services, Paramount thrived economically and culturally. Paramount, California is now known for its successful transformation and its attractive business climate and quality of life. The City has received numerous awards for its forward thinking.

Today, Paramount is a growing community of landscaped boulevards, enhanced police service, parks, recreation programs, affordable housing, public art, and tree-lined neighborhoods with white picket fences.

I want to share Paramount's success with the rest of our Nation as a model of one city's can-do attitude and ability to overcome the destruction that urban blight can wreak on our most precious assets—our communities and the people that live in them.

TRIBUTE TO CARLOS LEZAMA, FATHER OF THE LABOR DAY CARNIVAL IN BROOKLYN

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. CLARK. Madam Speaker, I rise today to pay homage to a great American, a role model, leader, innovator and certainly one of the finest gentlemen in the history of my home state of New York.

I extend my deepest condolences to the family and friends of Carlos Lezama, the Father of Brooklyn's world-famous West Indian-American Labor Day Carnival.

Carlos Lezama was born of humble beginnings in the Caribbean nation of Trinidad & Tobago.

What is now the largest outdoor summer festival in the United States began over 40 years ago as a small celebration of Caribbean immigrants in Harlem. It was initially held each February to coincide with Carnival celebrations in Trinidad & Tobago. As the wintry weather typical of New York in February began to impact the nascent celebration, Mr. Lezama moved Carnival to Labor Day Weekend and relocated the festivities to Brooklyn, in the heart of the eleventh Congressional District. Under Carlos' guidance and innovation, Brooklyn's Labor Day Carnival has grown to attract more than four million participants every year from all walks of life across the city and across the Nation.

Carlos molded a nostalgic longing for "the old country" into an integral part of the fabric of New York City. For immigrant families like my own, Labor Day Carnival has always been a source of pride. Its very existence says there is a place for me in this great Nation; my parents are Caribbean-Americans who emigrated from Jamaica to this country in search of the American dream. The success of Labor Day Carnival and Mr. Lezama himself is a testament to the promise of America.

Carlos Lezama passed away on Tuesday, January 22, 2007. As he joins the ancestors, it is my honor to salute him. A great son of Trinidad and Tobago and a great American; Carlos Lezama will be sorely missed.

TRAVIS McCORMICK KLEENWOOD DAY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. POE. Madam Speaker, Saturday, January 27, 2007, is not an ordinary day for the community of Kingwood, Texas. Before many people get out of bed, residents will be up armed with trash bags waging a war against litter.

The "Travis McCormick Kleenwood Day" is an annual event where people of all ages volunteer to clean up their neighborhoods. They don't do it because they have to; they do it because they have pride in their community.

This year will mark the fourth annual Kleenwood Day. This effort is spearheaded by Kingwood Chamber of Commerce President Sparky Nolan. Because of Sparky's determination and enthusiasm, the number of volunteers continues to grow exponentially.

This year, beginning at their neighborhood pools, residents will pick up thousands of pounds of litter near sidewalks, greenbelt trails and curbs.

These volunteer efforts are commendable and an inspiration for others to show pride in their communities.

I am proud to have Kingwood, Texas, in my district.

That's just the way it is.

THE COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. HOEKSTRA. Madam Speaker, I rise today to speak in opposition of H.R. 5.

Today we are considering the College Student Relief Act of 2007. Democrats have claimed that this legislation will provide relief to students going to college. However, what they have done is propose a classic bait and switch.

This bill will not improve access to higher education for low- and middle-income Americans nor will it provide relief for students in college today. This relief, when fully phased in, will benefit college graduates for only 6 months.

H.R. 5 reduces interest rates for only undergraduate subsidized loans over 5 years from 6.8 percent to 3.4 percent.

By the time the interest rate is cut in half, the 3.4 percent interest rate is only in effect for half a year. The student loan interest rate goes back to 6.8 percent permanently starting January 1, 2012. In other words, it snaps back just 6 months after it is fully phased in at a cost of $7 billion.

The reality of the situation is that the Democrats could not follow through on their campaign promise to cut interest rates in half because they couldn't pay for it.

So first they narrowed the field down to one subset of student loans. Then, they phased the rate cut in. Then, they ended it after 5 years. What is left is this ''bait and switch'' benefit that will expire in a mere 6 months after it is fully phased in.

Democrats have talked about improving access to higher education for lower- and middle-income Americans. H.R. 5 does not provide relief to college students seeking to pay their tuition. It does not do anything to get more students into college.

This bill provides a back-end benefit to college graduates instead of a front-end benefit for those trying to get in the door of a university.

The bill will not help a single graduate student saddled with a heavy financial burden.

H.R. 5 is a boon to the Direct Loan Program. The Direct Loan Program's market share has fallen to 22 percent because schools have chosen FFEL. Cutting FFEL lenders is the only way to increase the competitive position of direct lending, a program that is withering on the vine through the voluntary attrition of colleges.

CBO estimates that cutting interest rates will cost taxpayers more than $7 billion. In order to off-set the cost, the proposal before us will cut government payments to loan providers. While reducing lender payments, I'm concerned that rate reductions, fee waivers, loan forgiveness and other benefits will be taken away from students seeking higher education loans.

Lowering interest rates for borrowers could result in schools increasing tuition. If that is the result, borrowers won't get any relief at all. The real issue is college cost, not student loan interest rates!

During the 109th Congress, we enacted policies that reduced student loan fees by allowing students to consolidate with lenders that best met their needs. Origination fees were reduced and loan limits were also increased, allowing more students to gain access to much-needed financial aid.

Supporting H.R. 5 will not help students achieve higher education affordability.

RECOGNIZING MS. SANDRA J. ELLIS FOR HER SERVICE AND DEDICATION ON THE OCCASION OF HER RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. FORBES. Madam Speaker, I rise today in recognition of Ms. Sandra J. Ellis for her loyal service to the United States of America.

Sandy's commitment to the armed services of our country and the Fort Lee community is to be highly commended.

Sandra J. Ellis was born in Petersburg, Virginia on June 16, 1948, which is Flag Day. The daughter of an Air Force officer, Sandy grew up in a military family that lived in Illinois, South Dakota, and years later returned to Virginia.

While Sandy's first roles at Fort Lee were as a stage performer with Special Services and as an entertainer at the hospital ward there, it was after high school that Sandy entered Petersburg General Hospital School of Nursing/Richard Bland College. In 1967 she decided to take a semester off and took a part-time position at Fort Lee. In a short while, she was offered a permanent position which she accepted. At a time when many young men and women were joining the Army during the buildup in Vietnam, Sandy chose to serve her country at Fort Lee; and so she did for 40 years.

Sandy began her dedicated service to the Army as a Military Personnel Clerk. During her career, she consistently earned more responsibility and took on positions as a Port Call Clerk, Secretary, Congressional Inquiry Specialist, Administrative Specialist, and Protocol Officer. Most recently, she has served as the Public Affairs Officer, where she has been the officer responsible for media and community relations at Fort Lee, an Army community of more than 12,000 and home of the Quartermaster Center and School. As the chief liaison to the surrounding community, Sandy played a central role in steering the installation and the community through the 2005 Base Realignment and Closure process.

Sandy Ellis has shown a demonstrated commitment to the Army, the Commonwealth of Virginia, and the nation that is rarely equaled. She has served during eight different Presidential administrations, and her loyalty to the servicemen and women at Fort Lee deserves particular attention and admiration. Today, we salute her for her unwavering dedication to her profession and the American people. Furthermore, we salute her husband John Ellis, and her son, Jay, without whom Sandy's work would not have been possible nor as meaningful as it has been.

Madam Speaker, please join me in honoring Sandy Ellis on her retirement from Federal service in the United States Army.

A PROCLAMATION HONORING HELEN BASS SMITH ON HER 90TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SPACE. Madam Speaker,

Whereas, Mrs. Smith has shown an extraordinary commitment to her community by volunteering at the Salvation Army in Cadiz, Ohio, and at the Harrison Community Hospital, where she has been president of the Hospital Auxiliary for 4 years; and

Whereas, Mrs. Smith has demonstrated values of hard work and service throughout her life, always maintaining a positive outlook; and

Whereas, Mrs. Smith has worked for the United States Department of Agriculture, the Scio Pottery Company, Lib Gray's Dressmaker Shop, and as a farmer for many years and still continues her active lifestyle by walking 2 miles every day; and

Whereas, Mrs. Smith's character has been praised by her hospital volunteer coordinator, who describes her as ''nothing short of magnificent'' and that her spirit is ''not a day over 14;'' Now, therefore, be it

Resolved, that along with her friends, family, and the residents of the 18th Congressional District, I wish Helen Bass-Smith a happy and healthy 90th birthday. We recognize the tremendous impact she has had in her community and in the lives of all those people she has touched.

NEW DIRECTION FOR IRAQ ACT OF 2007

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing, along with Congresswoman TAMMY BALDWIN and Congressman SAM FARR, the New Direction for Iraq Act, the first legislation introduced in Congress to deal comprehensively with the military, diplomatic, political, economic and humanitarian strategies needed to move forward in Iraq.

On November 7th, the American people sent a strong and clear message that it's time to change the course in Iraq. Unfortunately, President Bush is proposing more of the same. Instead of listening to the majority of Americans, Iraqis, and military experts, the President's stubborn adherence to a clearly failed strategy is undermining our security and putting more of our troops and Iraqis at risk. Our troops have performed valiantly, but

progress in Iraq now depends on a political solution.

It's time for a new direction in Iraq and a comprehensive shift in our Iraq policy. My legislation will: Bring our troops home within approximately one year; Refocus our assistance on creating jobs for Iraqis, supporting grassroots multi-ethnic civil society, and disarming militias; Authorize more aggressive efforts to punish war profiteering and reconstruction fraud; Require a new comprehensive diplomatic effort—internal, regional, and international—to provide support in stabilizing Iraq and promoting ethnic reconciliation; Strengthen efforts to address the Iraqi refugee crisis.

This is now about making the best of a bad situation; our military is breaking and our presence in Iraq is doing nothing to ease sectarian tensions or promote a democratic future. We must leave Iraq and we are going to do so before it's fixed. It will be painful for everybody: the innocent Iraqi victims who will get caught up in the maelstrom, as well as Americans who will be less safe for years, if not generations, to come.

The final costs of this war are not yet fixed, but we have a chance to influence just how high and how horrible through our actions. At this point, we can only try to make this terrible situation no worse and hope that, at some point, it might become marginally better for both Americans and Iraqis. I urge my colleagues to support this bill and look forward to working with them to advance a comprehensive plan to change the course in Iraq.

HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I am pleased today to rise once again with my colleagues to recognize the students, teachers, faculty and graduates of our nation's Catholic Schools.

As Bishop Donald Wuerl has stated ''Catholic schools are a tremendous asset to our Church and our nation.'' What graduates of Catholic Schools offer to society is not only a commitment to achieving academic excellence but also of service to the community. These are traits I learned at an early age as a student at St. Barnabas Elementary School and Walsh Jesuit High School and I greatly value both my Catholic and public school education.

For instance, 86 schools, along with parishes, youth ministry and CCD programs, raised more than $300,000 over the last nine years in support of the ''Kids Share A Lunch Nutrition Project'' for the Pittsburgh diocesan mission in Chimbote, Peru.

This year's theme for Catholic Schools Week (January 28–February 3) is ''Catholic Schools: The Good News in Education,'' and the good news is strong in Pennsylvania. With a 15 to 1 student/teacher ratio, more than 97 percent of high school graduates from Pennsylvania's Catholic Schools (including both Catholic and non-Catholics) went on to a post-secondary education following graduation.

This year, Catholic schools in the Diocese of Pittsburgh celebrate 178 years of quality education. Pennsylvania alone, has 650 Catholic schools with over 180,951 High School and elementary students. (47,079 High School Students: 133,872 elementary students).

Dr. Robert Paserba, Pittsburgh diocesan superintendent of schools has stated ''parents are choosing our schools because they teach strong moral values in a disciplined environment—clearly a recipe for helping all children in our schools achieve their highest potential. As with our schools themselves, our graduates become a source of hope for the world.''

I believe Catholic schools do promote social awareness and help make the world a better place to live. I am pleased to commend all those who teach and are students of Catholic schools.

IN RECOGNITION OF THE RETIREMENT OF JUDGE SAM MONK

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to Judge Sam Monk who is retiring after 28 years of service. Judge Monk currently presides as Circuit Judge of the Seventh Judicial Circuit in Anniston, Alabama.

Judge Sam Monk graduated from the University of Alabama School of Law in 1975. Prior to law school, Judge Monk served in the United States Army. Judge Monk has worked in both private practice and has served as Presiding Judge for the 7th Judicial Circuit, Circuit Judge for the 7th Judicial Circuit, and as District Judge for Calhoun and Cleburne Counties.

Judge Monk will officially retire on January 15, 2007, but a reception in his honor will be held on January 12, 2007 at the Calhoun County Courthouse.

I salute Judge Monk and congratulate him on his service to the legal field over the past 28 years. I wish him all the best on this important occasion.

ACADEMY NOMINEES FOR 2007

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. FRELINGHUYSEN. Madam Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens, several of whom are distinguished veterans, who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer groups, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the Board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of two days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed 38 applicants. Nominations included 19 to the Naval Academy, 9 to the Military Academy and 5 to the Air Force Academy—the Coast Guard Academy does not use the Congressional nomination process. The recommendations are then forwarded to the academies by January 31, where admissions staff reviewed files

and notified applicants and my office of their final decision on admittance.

As these highly motivated and talented young men and women go through the nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our Nation is fighting the war against terrorism. Whether it is in Afghanistan, Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and sometimes dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2007—11TH CONGRESSIONAL DISTRICT, NEW JERSEY

Air Force Academy: Greg W. Bukata, Chatham, H.S. of the Chathams; David Lam, Lake Hopatcong, Jefferson H.S.; Melissa L. Marcial, Parsippany, Parsippany H.S.; Scott Pierson, Parsippany, Parsippany Hills H.S.; and Samantha J. Stibick, Somerville, Somerville H.S.

Military Academy: Brian C. Asman, Livingston, Livingston H.S.; Alexander Boroff, Chatham, H.S. of the Chathams; Hadley A. Johnson, Randolph, Pingry School; Vincent J. Lally, Sparta, Sparta H.S.; Dario Marcelli, III, East Hanover, Hanover Park H.S.; Alexander Z. Pytlar, Califon, West Morris Central H.S.; Jason S. Rothamel, Basking Ridge, Ridge H.S.; Quentin Sica, Stanhope, Lenape Valley H.S.; and Marianne R. Slotten, Mendham, West Morris Mendham H.S.

Naval Academy: Kelsey L. Bergh, Morristown, Academy of St. Elizabeth; Jeffrey R. Bland, Basking Ridge, Immaculata H.S.; David P. Bobo, Florham Park, Seton Hall Preparatory School; Jacob O. Bridge, Stirling, Watchung Hills H.S.; Jesse S. Cohen, Mountain Lakes, Mountain Lakes H.S.; Kevin A. Gaines, Wharton, Morris Hills H.S.; Peter S. Garber, Short Hills, Millburn H.S.; Matthew R. Gregory, Long Valley, Davidson College; Ralph N. Grossmann, IV, Green Pond, Morris Knolls H.S.; Andrew P. Hanko, Montville, Trinity Christian School; Steven R. Kline, Chatham, H.S. of the Chathams; Andrew M. Kramer, Oak Ridge, Jefferson H.S.; William J. Ludlow, Basking Ridge, Ridge H.S.; Jason Mariscal, Fairfield, West Essex H.S.; Nicholas A. Mikula, North Caldwell, Seton Hall Preparatory School; Steven B. Monin, North Caldwell, West Essex H.S.; Joseph P. Palamara, Denville, Morris Knolls H.S.; Christopher K. Schneider, Mendham, Seton Hall Preparatory School; and David R. Weller, Bridgewater, Bridgewater-Raritan H.S.

TRIBUTE TO MR. JAMES (JIM) HODGE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor an educator who spent nineteen years working in public schools, including those in my hometown, Menominee, Michigan. This weekend, Mr. James (Jim) Hodge will celebrate his retirement from a career of community commitment. I would like to commend him for his years of service to Menominee public schools and his long standing involvement in the Menominee community.

Jim is a native son of the Upper Peninsula or a ''Yooper'' as we refer to them in our part of the country. Like many Yoopers before him, he worked for some time for the U.S. Forest Service in Ottawa National Forest outside of Ironwood, Michigan. Also like many Yoopers before him, he spent time as a laborer at the Cleveland Cliffs Iron Mine. Jim attended one of the U.P.'s great educational institutions, Northern Michigan University in Marquette, before moving on to the University of Michigan.

Jim's appreciation for the importance of education in a community was fostered early when, through the Mott Foundation, he worked as an Administrative Intern in Flint Public Community Schools. One might say that program was his introduction to the field of education.

Jim returned to the U.P. in 1968 where he began a nineteen year stint in Menominee public schools. His first job in Menominee public schools was Community School Director and, for the next six years, Jim would hold a range of responsibilities in the school system, such as Athletic Director, Department Head of the Physical Education Department and City Recreation Director. During this six year period, Jim was also Principal of the Menominee Area Public Schools.

In 1976, Jim was promoted to Administrative Assistant to the Menominee Area Public Schools Superintendent. In this role, Jim performed a range of duties, supervising a variety of operational aspects of the Menominee school system. In 1985, Jim became Superintendent of Menominee Area Public Schools, a crowning achievement on a lengthy career with the Menominee educational system.

During his tenure in the Menominee public school system, Jim was honored with several awards, including the Jaycee Young Educator of the Year award; the U.P. Community Education Association's Outstanding Educator Award and Lifetime Member Award; and the Menominee Chamber of Commerce Educator of the Year Award.

In 1987, Jim left the Menominee school system, but he did not leave behind his involvement in the community. In 1988, Jim joined State Farm Insurance, establishing his own local business and providing insurance to many of the same people he had served for so many years as a school administrator. Working for State Farm, Jim earned numerous awards with the help of two faithful employees, Jane Yager and Mary Tickler.

Throughout his career, in both the private sector and public education, Jim has remained an active member of his community on many other levels. He served as President of the Emmanuel Lutheran Church Council and spent two terms as President of Big Brothers/Big Sister of Menominee. Jim was also a Trustee of the Greater Menominee & Marinette YMCA Board of Directors.

While Jim has enjoyed an active and successful career, he has always set aside time for family. He married Greta Theuerkauf in Menominee in 1970. Together, Jim and Greta raised three children, Wade, Tiffany, and Tarra.

Now that Jim has entered a well-deserved retirement, he will undoubtedly have more time to spend with Greta and his children. Hopefully, he will also be able to further indulge in his life long hobbies of skiing, camping and other outdoor activities, perhaps with his loyal dog and best friend, Reggie, at his side.

Madam Speaker, my father was a public school administrator. Therefore, I am well acquainted with the dedication, commitment and time required for an individual to succeed in that field. Those who choose to pursue a career in public education do so less for personal gain and more to playa constructive role in their community. Jim Hodge clearly fits that description, having dedicated nearly two decades to Menominee's public school system.

As Mr. Hodge and the Menominee community celebrate his career and honor his retirement, I ask that the entire U.S. House of Representatives join me in thanking him for his service and in wishing him, Greta, their children, and their newest grand child all the best for many years to come.

HONORING THE DALE CITY BENGALS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the Dale City Bengals, who on December 9, 2006, won the American Youth Football Pee Wee ''AA'' Division National Championship.

After a stellar regular season the Bengals advanced through local and regional qualifiers to gain a berth in the national tournament in Tampa, FL. Over a period of 5 days, the Bengals played against the best football teams in the Nation and emerged victorious with the ''Taft'' National Championship Trophy.

The tournament started with a seeding game, where the Bengals drew a match up against the Brooklyn Chiefs. The Bengals got off to a rocky start as they were routed 27–6. Their four coaches, Jim Spellman, Joviaire Yarbo, Joel Avent, and Moses Webb, knew it was time to refocus. Through an extra practice and a new attitude they were able to do just that.

In their next game against the Westchester Raiders the Bengals came out with a chip on their shoulder, and they were forced to invoke the mercy rule on the way to a 48–13 victory. In the meantime, Brooklyn had won their semifinal game as well, setting the stage for an epic rematch.

Prior to the final game, Assistant Coach Yarbo brought the team together and during an inspired speech told the players, ''it doesn't matter how you get there—it matters what you do when you get there.'' Drawing on these words and a power ground game, the Dale City Bengals persevered to create a 13–6 lead late in the game. With the Chiefs driving on what would prove to be their final possession, middle line backer Jacob Spellman intercepted an errant pass that sealed the outcome of the game, earning him MVP honors.

In a truly inspirational story, the Dale City Bengals represent all that is great about youth sports. Drawing on the support of their parents, coaches and community, the Bengals' team performance shows that anything is possible when people come together to achieve a common goal. I honor the efforts of every player: Daniel Amendolaro, Jaylen Avent, Juan Bennett, Shakeem Copeland, GeJuane Dalrymple, Xavier Dashiell II, Typer Donnelly, Easton Hawk, Khalil Jackson, Jamil Jackson, Kinte Johnson, T.J. Middleton, Kamel Montgomery, Tariq Qawiyy, Darnell Rife, Michaiah

Smith, Jacob Spellman, Joseph Walker II, Moses Webb, Jr., and Ji Wright.

Madam Speaker, it is my pleasure to honor the Bengals on their championship and to wish them all the best in their future endeavors.

FREEDOM FOR VICTOR ROLANDO ARROYO CARMONA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Victor Rolando Arroyo Carmona, a political prisoner in totalitarian Cuba.

Mr. Arroyo Carmona is an independent journalist in a country oppressed by a regime that mandates official propaganda and prohibits news of the truth. He believes in writing and speaking the truth about the monstrous regime and that Cuba should and will be free from the totalitarian nightmare that is the Castro dictatorship. Because he believes in freedom for the Cuban people and because he actively and peacefully advocates for change, Mr. Arroyo Carmona has been repeatedly harassed and incarcerated by the tyrant's machinery.

According to Human Rights Watch, Mr. Arroyo Carmona has been detained numerous times for his pro-democracy activism. In January 1995, he was beaten and jailed for 9 days after organizing a ceremony commemorating the birth of Jose Marti. In January 2000, he was charged with ''hoarding'' and ''sentenced'' to 18 months in the hellish totalitarian gulag for organizing a toy drive and distributing toys to needy Cuban children. He served 6 months of his sentence before being released only to be severely beaten on three separate occasions in October of that same year.

Subsequently, on March 18, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy advocates, Mr. Arroyo Carmona was arrested because of his belief in liberty over repression. In a sham trial, he was ''sentenced'' on trumped-up charges that he ''undermined national independence and territorial integrity'' to 26 years in the condemnable totalitarian gulag.

Mr. Arroyo Carmona has bravely participated in hunger strikes to protest the abhorrent conditions in the gulag and the depraved treatment of fellow political prisoners. Tragically, his daily struggle and suffering in an infernal roach infested gulag with hardly any contact with the outside world is not enough for the Cuban dictatorship, a regime of gangsters, by gangsters, and for gangsters, run by a gangster in chief. According to Reporters Without Borders, Mr. Arroyo is subjected to constant humiliation, physical torture and threats that he will never leave prison alive.

Mr. Arroyo Carmona is just one of the many heroes of the peaceful pro-democracy opposition on that oppressed island. Despite incessant harassment, incarceration and abuse, he remains committed to the conviction that freedom and democracy are inalienable rights of the Cuban people.

Madam Speaker, it remains categorically offensive that men and women who demand freedom from tyranny are locked in the dungeons of monsters. Here, under the dome that represents representative democracy, we must demand the liberation of all who suffer in the darkness of totalitarianism. My colleagues we must demand the immediate release of Victor Rolando Arroyo Carmona and every prisoner of conscience in totalitarian Cuba.

TRIBUTE TO THE UNION MEMORIAL AFRICAN METHODIST EPISCOPAL CHURCH

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. UPTON. Madam Speaker, I rise today to pay tribute to the Union Memorial African Methodist Episcopal Church in Benton Harbor, Michigan. On Sunday, January 28, the Union Memorial A.M.E. will be celebrating her 139th Anniversary.

Since the church's original dedication in 1868, the first African Methodist Episcopal Church in the Twin Cities of Benton Harbor and St. Joseph has stood as a symbol of faith, hope, and compassion for the citizens of Berrien County and the surrounding area. Its 139 years of commitment have had a tremendous impact on its congregation as well as the greater community.

The African Methodist Episcopal Church has had a proud history since starting in the home of Steven Busby in 1868. This small Christian assembly back then was known as the ''House of Praise.'' The area was home to two A.M.E. churches in the 1890s, and in 1901 the church in Benton Harbor was destroyed by a fire. The church was rebuilt and in 1929 the Benton Harbor and St. Joseph churches united under the name Union Memorial African Methodist Episcopal Church. In 1969 the church moved to its current location at Empire and Crystal A venues.

In its 139 year history, the church has never wavered from the ministry of saving lost souls, preaching the gospel, feeding the hungry, helping the homeless, and reaching out and renewing the spirit of folks in need. I want to commend the members of Union Memorial African Methodist Episcopal on their anniversary and on their commitment in the future to serving the greater community.

TRIBUTE TO THE HONORABLE MICHAEL ANDEREGG

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STUPAK. Madam Speaker, I rise to pay tribute to one of my constituents who has dedicated more than thirty years of his life to serving our justice system, Marquette County and the entire Upper Peninsula of Michigan.

The Honorable Michael Anderegg began his service to the Upper Peninsula in 1972 as a Staff Attorney for Upper Peninsula Legal Services. After a two-year stint with Upper Peninsula Legal Services, Judge Anderegg went on to become Assistant Prosecutor and Chief Assistant Prosecutor of Marquette County. In seeking his first elected office, Michael Anderegg was chosen as Marquette County Probate Judge in 1977.

Twenty years later, Michigan eliminated the Probate Court and Judge Anderegg became the Presiding Judge of the Family Division of the Marquette County Circuit Court. Judge Anderegg has become a national leader in developing new approaches to the closely linked problems of substance abuse, juvenile delinquency and repeat offenders.

In Marquette, Judge Anderegg has been one of the driving forces behind Reclaiming Futures Project WEAVE. WEAVE stands for Willingness to Explore Approaches that Validate and Embrace youth. Reclaiming Futures Project WEAVE is a unique program that is working in Marquette to improve the quality of alcohol and drug treatment services available to youth who are in the justice system. Reclaiming Futures Project WEAVE's cross-disciplinary approach pulls together varied partners from recovery and treatment centers, the Marquette Area Public Schools, law enforcement, the juvenile justice system and other cornerstones of the Marquette community to assist youthful offenders to become a contributing adult in our society. Together, through Project WEAVE, these institutions identify, assist, encourage and reclaim children struggling at home, in schools and in our communities.

Reclaiming Futures Project WEAVE's successes have become a model for other juvenile delinquency systems around the country. As Judge Anderegg and the Project WEAVE staff joke: ''What happens in Alaska stays in Alaska and what happens in San Antonio stays in San Antonio, but what happens in Marquette is disseminated across the nation!''

The Michigan legal community, indeed legal professionals across the country, have benefited immensely from Judge Anderegg's sharp intellect, vast knowledge and wealth of experience. A graduate of Harvard College and the University of Michigan Law School, Judge Anderegg has served on Michigan Supreme Court Committees on: Juvenile Court Rules; Family Division Rules; and the Probate Court Academic Advisory Benchbook. He has lectured extensively, addressing the Michigan Supreme Court's Michigan Judicial Institute; the Federal Bar Association's Indian Law Section; and the Colorado Juvenile and Delinquency Prevention Council, to name only a few of the prominent organizations that have benefited from his insights. In 2001, he received the President's Award for meritorious service as a trustee of the National Council of Juvenile and Family Court Judges.

Judge Anderegg spends a great deal of personal time traveling across the country in order to share his insights. The Project WEAVE staff estimate that he has easily traveled 150,000 miles in his quest to learn more, share more and improve America's juvenile justice system.

In many pursuits and professions it is often easy to accept the status quo and to resist new thinking. It is rare to find individuals who constantly challenge pre-conceived notions and basic assumptions in order to perfect more effective solutions to long standing problems. An outspoken advocate for bold, new approaches to solving juvenile delinquency, Judge Michael Anderegg is one of those rare individuals who embraces change.

Madam Speaker, Judge Anderegg has accomplished much in his thirty years of service. His parents, Robert and Anita were proud that he was elected a judge at the relatively young age of thirty. During his early years on the

bench, his parents were known to refer to him as ''boy judge.'' Clearly, Madam Speaker, Robert and Anita's ''boy judge'' has come a long way and his parents have given Marquette County, the Upper Peninsula of Michigan and, indeed, the nation, a judge who is a national leader in reclaiming young lives.

As Judge Anderegg himself has noted, ''The money we spend now on locating and providing the best possible treatment is money we will not need to spend later on prosecuting and incarcerating adult criminals. The financial and social costs of substance abuse are enormous, but they are avoidable.'' No truer words have ever been spoken.

This weekend, the people of Marquette come together to honor Judge Michael Anderegg. During this momentous occasion, I would ask the entire U.S. House of Representatives to join me in saluting Judge Michael Anderegg and in wishing him, his wife, Cheryl, and their children all the best for many years to come.

CLEAN ENERGY ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in strong support of H.R. 6, the CLEAN Energy Act, which will end federal welfare for big oil companies and redirect billions of dollars towards investments in a cleaner, more secure energy future.

Less than two weeks into the 110th Congress, Democrats have already delivered real progress for American families by passing the six measures outlined in the 100 Hours Agenda with time to spare. The CLEAN Energy Act (H.R. 6) is one of these priorities. As a cosponsor of H.R. 6, I was proud to vote for the bill when it passed the House 264–163 on January 18, 2007 with the support of 36 Republican members.

Over the past several years, U.S. taxpayer subsidies to oil companies have increased at a time of record-high energy prices for American consumers and record profits for oil companies. In 2006, the five largest oil companies operating in the U.S. received $97 billion in profits—five times their earnings in 2002. In this economic environment, the oil companies themselves have said most federal supports are unnecessary.

The new Congress is ushering in new priorities. H.R. 6 repeals $13 billion in subsidies that should never have been granted during a time of war and spiraling federal budget deficits. Specifically, the measure requires large oil companies that were awarded royalty-free federal drilling leases in 1998 and 1999 to pay their fair share or lose eligibility for future federal leases. It would also close loopholes and end giveaways for big oil in the tax code and in the 2005 Energy bill. In keeping with the Democrats' pledge to take America in a new direction, H.R. 6 reinvests these billions into a Strategic Renewable Energy Reserve that will be used to fund clean, renewable energy technologies such as home-grown biofuels.

H.R. 6 is an important first step in reducing America's dependence on oil. In this new era of global terror and global warming, energy security is national security. Only by pursuing a bold new direction on energy policy will America achieve our three, interdependent goals of national security, economic strength and environmental protection. With an abundance of renewable energy sources in our backyard and clean energy technology companies across the state, Minnesota stands to reap more than its share of benefits from a new national push for clean energy.

One year ago, in his State of the Union Address, President Bush promised to end our oil addiction. Today, the new Democratic majority is helping the President make good on that promise and working to create a more secure and prosperous future for the next generation of Americans.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall vote on January 19, 2007:

H.R. 475, The House Page Board Revision Act (Rollcall vote 42). On the motion to pass the bill, had I been present, I would have voted, ''yea.''

H. RES. 51—HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 2007

Mr. GARRETT of New Jersey. Mr. Speaker, the hallmark of Catholic schools is their ability to provide students with a well-rounded education. By focusing on academic excellence based on strong morals, Catholic schools consistently graduate ethical scholars.

I strongly support H. Res. 51 because it recognizes this distinguished ability of Catholic schools. New Jersey's fifth district is proud to be the home of numerous Catholic schools which are overseen by the dioceses of Newark, Metuchen and Paterson.

As we commend Catholic schools through this resolution and during next week's Catholic Schools Week, I would be remiss if I did not highlight the excellent administrators, teachers, parents, and students who make up the New Jersey Catholic School system. It is their dedication to their mission that has cultivated a lasting and celebrated program.

New Jersey's strong tradition of Catholic education can be traced back to the late eighteenth century when larger metropolitan areas started to erect schools which were supervised and supported by church authorities. Now, over 200 years later, Catholic schools can be found all over New Jersey, educating future leaders to serve their fellow statesmen and those who live far beyond our state line.

New Jersey Catholic Schools operate under the motto: ''Learning to love. Loving to learn.'' This maxim pinpoints the consistent successful record of Catholic education: instilling a respect and concern for others while simultaneously sparking a genuine curiosity and thirst for knowledge.

It is with these things in mind that I wholeheartedly support House Resolution 51 and look forward to hearing of the continued successes of the Catholic school system, in New Jersey and all over the world.

RECOGNIZING THE OUTSTANDING CONTRIBUTIONS OF CAL RIPKEN, JR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to recognize a man who led by example not only on the field but continues to lead off the field as well. Cal Ripken Jr., a son of Maryland who is known to many as Baseball's ''Iron Man'', was inducted into the Major League Baseball Hall of Fame on January 9, 2007. He garnered 98.53% of the votes—the third highest total in Major League Baseball history.

Calvin Edwin Ripken, Jr. was born in Havre de Grace, Maryland on August 24, 1960. He has dedicated his entire baseball career playing for the Baltimore Orioles organization and contributing to life in Maryland.

Cal made his debut for the Orioles in August of 1981. He quickly impressed baseball fans and professionals alike with his play at the shortstop position, and was honored for his play by being named the American League's Rookie of the Year in 1982. His continuing excellence on the field led to many additional awards throughout his career. Cal was named the American League's Most Valuable Player in 1983 and 1991. He was a 19-time American League All-Star, winning Most Valuable Player awards in the 1991 and 2001 All-Star games. However, none of his career accomplishments matches his consecutive games played record, previously held by Lou Gehrig at 2,130 games. Cal broke the longstanding record on September 6, 1995, eventually playing 2,632 consecutive games, a record for which he was nicknamed ''Baseball's Iron Man''.

Cal Ripken, Jr. retired from professional baseball on October 6, 2001, but that was not the end of the Iron Man's service to baseball or Maryland. He has been an active member of the local community throughout his career and beyond. In 2001, Cal and other members of the Ripken family began the Cal Ripken, Sr. Foundation, which is dedicated to providing access to baseball and softball camps for underprivileged youth. He continued to support baseball in the community when he built a stadium in Aberdeen, MD, for the Aberdeen IronBirds, the Single-A affiliate of the Orioles, of which he is a part owner.

He is known as the ''Iron Man'' because of his dedication to the Baltimore Orioles and to baseball due to his consecutive games streak record. However, his efforts on and off the field for the Baltimore area, the state of Maryland, and fans of baseball everywhere are what really make him the ''Iron Man'' to all. Just as he could be counted on to show up every day on the field to play for the Orioles, he is counted on by the people of the Baltimore area and Maryland to show up off the

field, and I am proud to say that the ''Iron Man'' has always come through.

TRIBUTE TO DENNIS PETRY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Dennis Petry for 30 years of service on the Triad School Board. He has served on the school board since 1977.

Mr. Petry served as secretary of the Triad School Board from 1981–1983 and served as president from 1983–1991. He was also named the recipient of the Those Who Excel Award by the Illinois State Board of Education.

A 1962 graduate of Triad High School, Mr. Petry earned a bachelor of science in business from Southern Illinois University at Edwardsville. He is married to his wife, Linda, and has three children, Jeff, Joel and Gina, and four grandchildren. Dennis is a mail carrier for the United States Postal Service. Aside from his duties with the Triad School Board, he volunteers his time with Knights of Columbus Council 9266 and the Saint Jerome Pastoral Council and Literacy Committee.

It is my honor to thank Dennis for his many years of service to the students of the Triad School District. May God bless him for his work.

IN HONOR OF STAFF SERGEANT JAMES WOSIKA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to honor the life of SSG James Wosika. Sergeant Wosika was killed on January 9, 2007 while on foot patrol in Fallujah, when an improvised explosive device detonated near him. Due to his bravery and self-sacrifice, the nine other soldiers in proximity to Sergeant Wosika were not injured.

Sergeant Wosika was serving his 10th month in Iraq with the Minnesota National Guard. He graduated from Highland Park High School in St. Paul in 2000. In school, he was a State champion wrestler and football player and he is remembered by his loved ones as a wonderful young man who would do anything for his friends and family.

Sergeant Wosika was warm, brave, and dependable. He loved his country and honored his family, many whom served in the military before him, when he enlisted in the National Guard after high school graduation. To his fellow soldiers, his friends, family and all Americans, Sergeant Wosika was a hero.

Madam Speaker, Minnesota has lost 49 soldiers since the beginning of this war. The Minnesota National Guard has also just been informed that their tour in Iraq has been extended by 4 months.

It should be the top priority of Congress to keep our families safe—in our communities, while serving our government, and while serving our country overseas. I will continue working with my colleagues on both sides of the aisle to ensure this remains our focus throughout the 110th Congress.

Madam Speaker, please join me in honoring the life of this brave and honorable young man. Along with all Americans, I extend my prayers and deepest condolences to the friends and family of SSG James Wosika.

IN RECOGNITION OF ALAMEDA COUNTY'S TOP COP, SHERIFF CHARLES PLUMMER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Alameda County Sheriff Charles Plummer who spent his last day on the job as Alameda County's top cop on January 8, 2007. His retirement ceremony included helicopter flyovers, bagpipes and literally hundreds of handshakes. It was a fitting ceremony to a stellar 50-plus years in law enforcement.

A native of Fort Bragg, on the Mendocino coast, Charley Plummer worked as a teen in a shingle mill and as a lumberjack. One evening, hitchhiking back to Fort Bragg, a California Highway Patrol officer picked him up. The officer told him he had the right build and a good personality and should become a cop. Soon thereafter he left Santa Rosa Junior College and took an exam to become a Berkeley police officer and joined the force in 1952.

In 1973, Charley was named acting chief in Berkeley, a post he held for 9 months. He left Berkeley to become police chief in Hayward. He held this position for 10 years before friends convinced him to run for sheriff. He won the race for sheriff and the rest is history.

He changed the Alameda County Sheriff Department's culture by bringing a high level of discipline to the department. Under his leadership, the department has become the only law enforcement agency west of the Mississippi to gain accreditations in five different functions: bomb squad, health care, law enforcement, corrections and crime lab. He also entered the department into lucrative law enforcement contracts with AC Transit and BART.

Although Charley Plummer will no longer hold the title of Alameda County Sheriff, he will be known as Sheriff Emeritus and will devote his time to charity. He serves as a director or trustee on numerous boards and will continue his exemplary commitment and devotion to making a difference in the community.

Charley has never minced words nor failed to step up to the plate to take responsibility for activities or implementation of programs for the safety and welfare of residents in Alameda County. He leaves a legacy of commitment, straight-talk and no-nonsense service. He has cut to the chase and his accomplishments are beyond measure. I join his friends, colleagues and admirers in thanking Sheriff Emeritus Plummer for his exemplary track record and marathon of service.

SUPPORT A DISABLED VETERANS MEMORIAL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. KIRK. Madam Speaker, today Representative DENNIS MOORE and I introduced the American Veterans Disabled for Life Commemorative Coin Act, H.R. 634. This legislation seeks to recognize the sacrifices made by America's more than three million disabled veterans by building a memorial for them here in Washington, DC.

In 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial just south of the Rayburn Building. Last December President Bush signed into law a bill transferring control of the land for the memorial from the District of Columbia to the National Park Service. Now the American Veterans Disabled for Life Memorial Foundation needs to raise approximately $65 million to cover the cost of construction.

This legislation will authorize the Secretary of the Treasury to mint commemorative silver dollars that will be sold with a surcharge that will help the American Veterans Disabled for Life Memorial Foundation raise the money needed to construct the memorial. Not only will these coins be collector's items, they will benefit a worthy cause.

With more than 3 million disabled veterans in the United States today, it is fitting that a memorial to their sacrifice be erected in Washington, DC. It is my hope that all my colleagues will join Congressman MOORE and me in supporting this legislation to help make the American Veterans Disabled for Life Memorial a reality.

THE CLEAN ENERGY ACT OF 2007

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. CAMP of Michigan. Madam Speaker, we all agree that reducing America's consumption of foreign oil and gas is important. But, sadly this legislation is a missed opportunity. In fact, it will likely increase the country's dependence on foreign fossil fuels.

H.R. 6 will increase taxes on domestic oil and gas producers and place the additional Federal revenues in a fund that will pay for future legislation to subsidize alternative energy programs. Imposing higher taxes one sector of the economy that is responsible for creating millions of jobs and accounts for 3.5 percent of total national employment is nothing short of terrible economic policy. H.R. 6 is a recipe for layoffs, lowered U.S. investment, and higher prices at the pump.

One of the main provisions in the bill is to deny tax benefits enacted in 2004 to oil and gas companies. The tax benefits in the 2004 bill did not single out the oil and gas industry. In fact, the 2004 legislation lowered the corporate tax rate for all domestic manufacturers. The goal of the bill was to encourage companies, from tool and die manufacturers to the film industry, to remain in the United States instead of moving operations to lower-taxed

countries. By singling out oil and gas companies and raising their taxes, H.R. 6 will have the effect of encouraging them to expand production overseas, limit U.S. investment, and cut their American workforce.

Another source of concern is the millions of Americans who invest their pension and retirement savings in the oil and gas sector. Many State and local pension funds, as well as individual stockholders, invest in these companies. Retirees and investors depending on high performing stocks will likely be negatively impacted by Congress's decision to single out this sector.

I am also concerned that H.R. 6 will force companies who signed leases with the Federal Government in 1988 and 1999 for drilling rights in the Gulf of Mexico to renegotiate the terms of the contracts they signed. Under the Clinton administration, the Department of Interior failed to insert a clause in these contracts that would require firms to pay royalty fees when the price of oil exceeded a certain amount. Now, realizing the mistake, the Government has begun to renegotiate the leases on a voluntary basis with the affected companies. Some of them have agreed to begin paying royalty fees while others have not. The Government should continue to voluntarily negotiate with these firms. But, for the Government to force companies to pay new, higher fees as a penalty for not renegotiating legitimate contracts seems akin to what a Russian, Venezuelan, or Bolivian government would do.

As a sponsor of legislation to expand tax incentives for solar energy and hybrid vehicles, I am committed to the improvement of energy conservation and new technologies. Reducing oil and gas consumption is important, but I do not believe H.R. 6 is not the right policy for achieving this objective. I urge my colleagues to resist policies like H.R. 6 that arbitrarily penalize American oil and gas companies and practically incentivize them to move operations overseas.

COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. GORDON of Tennessee. Madam Speaker, the cost of college education continues to rise at an alarming rate. You may ask, "why does it matter?" The simple fact is that education is the single most important factor when it comes to equalizing opportunity and ensuring all students are able to achieve a better future and, of course, greater income. A well educated society is paramount to our global competitiveness and national security. Because education is so critical, I believe we have a duty to ensure it is available to all our citizens. The legislation before us represents an opportunity to assist borrowers with repayment of their student loan debt—a debt that is an investment in their future. While I support that goal, I also urge my colleagues to dig deeper into the problem, and take a hard look at the problem of rising tuition costs. After all, the debt incurred by students is the costs incurred to participate in postsecondary education. I would like to see us engage in a dialogue with the higher education community to understand why college costs are rising so rapidly and what can be done to assist students who are struggling to even enroll because the cost barrier is too high.

I would also like to speak for a moment about the cost of this proposal. I fully support a fiscally responsible approach, and our newly reinstated PAYGO rules demand that we offset the cost of this proposal. As such, this bill is being paid for through reductions in government payments to the private and non-profit lenders and guarantee agencies that provide student loans. I have some concerns about how the cost of this bill may affect student benefit programs now available. We need to invest in education and we all need to take a hard look at the programs now available to ensure they are efficient and effective. However, we must not lose sight of the strengths inherent in our current system. Students and families benefit greatly from solid competition within the student loan program, which today results in reduced fees, repayment incentives, and yes, lower interest rates. But there is more: student outreach, need-based scholarship programs and services, statewide career testing for 7th through 12th grades—all of which are helping to make college more affordable and accessible. We shouldn't neglect that. As we proceed with this and other higher education legislation, I want to protect students and families from a one-size-fits-all mentality and ensure these programs that have served so many will go forward in an efficient manner for the students and families they serve, as well as for the American taxpayers making this crucial investment.

I thank Speaker PELOSI and the Chairman of the Education and Labor Committee for including higher education in the First 100 Hours. It shows how important the issue is and that this Congress is committed to moving forward with an investment in our students and an investment in the future of our Nation.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 392, which requires the Circulating Quarter Dollar Coin Program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Madam Speaker, you will recall that in 1999, the United States Mint began circulating quarters in commemoration of each of the 50 States. The coin honoring my great State of Texas was issued in 2004. The coin, featuring the Lone Star of Texas, is the 28th in the series and commemorates Texas' admission to the Union as the 28th State on December 29, 1845.

To date, Mr. Speaker, 40 of the 50 State coins have been circulated. I look forward to seeing the last 10 States honored with their own special quarter-dollar coin.

Unfortunately, the beautiful city in which we stand today, our Nation's capital, has been thus far denied the opportunity to commemorate its vital importance as a part of our union, with a quarter-dollar coin of its own. Likewise, the United States territories have not had the opportunity to commemorate their important role in our nation. H.R. 392 would change this regrettable state of affairs.

I thank the delegate from the District of Columbia, Ms. NORTON, for introducing this legislation and urge my colleagues to vote in favor of it. I am, however, saddened that she herself cannot cast a vote in favor of this bill since she is not yet permitted a vote on the floor of the House or in the Committee of the Whole. I am optimistic that the new Democratic majority in this House will grant elected delegates the right to vote in the Committee of the Whole at the earliest possible opportunity. I remain a strong supporter of H.R. 328, the District of Columbia Fair and Equal Voting Rights Act of 2007, which will give the representative for the District of Columbia a full, fair, and equal vote on the floor of the House of Representatives.

As a supporter of freedom, democracy, and equality, I believe that it is long overdue for the citizens of the District of Columbia to have a representative in Congress who can vote on the vital legislation considered in this august body. It is wrong, Madam Speaker, that the citizens of the District of Columbia, who after all pay taxes to the United States, serve in the Armed Forces, and are subject to the laws and jurisdiction of the United States, are denied a vote in the body that imposes those taxes, raises and maintains the Armed Forces, and makes the laws that each of us must obey. Similarly, we cannot deny the territories of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands the right to have a vote in Congress. Doing so denies the important relationships of these territories to our Nation and diminishes the contributions of their people to our country.

In light of this unfortunate situation, I commend the delegate from our Nation's Capital for introducing H.R. 392, to show the people of the United States capital and territories that we do indeed honor them. I urge my colleagues to pay tribute to them by voting in favor of this legislation to establish a quarter dollar coin program in their commemoration.

RETIREMENT OF SUPERVISOR ILLA COLLIN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Ms. MATSUI. Madam Speaker, I rise in tribute to Sacramento County Supervisor Illa Collin and her esteemed career. Supervisor Collin built a lasting legacy in Sacramento County and her presence on the board of supervisors will be deeply missed. As her friends, family and coworkers all gather to celebrate her career, I ask my colleagues to join me in honoring the dedicated service of one of Sacramento's finest leaders.

Illa Collin was first elected to the Sacramento County Board of Supervisors in 1978. She immediately made her presence known by tirelessly working to strengthen neighborhoods and revitalize urban corridors. Through

her 28 years on the board of supervisors, she has preserved much of Sacramento County's natural beauty and open space.

Supervisor Collin has consistently been praised for her environmental record and leadership. She helped create the Sacramento Tree Foundation and the American River Parkway Foundation. She has received the Outstanding Service Award from the California Parks and Recreation Society as well as the Outstanding Public Official Award from the National Association of County Parks and Recreation Officials. In 2005, Supervisor Collin received the Environmentalist of the Year Award from the Sacramento Chapter of the Sierra Club.

Supervisor Collin performed an instrumental role in the women's movement From 1973 to 1975, Illa helped lead the League of Women voters in Sacramento and in 1977 she became the first woman to serve as the President of the State Reclamation Board. She has also received the Hannah G. Solomon Award from the National Council of Jewish Women for improving the lives of women, children, and families.

Prior to her service on the board of supervisors, Illa worked to improve Sacramento on a number of fronts, including social services and community planning. Now, after seven terms, Illa will be departing from the board of supervisors. The people of Sacramento will miss her leadership, experience and dedication. Our community has been fortunate to be graced by the presence of such an extraordinary woman.

Madam Speaker, I am proud to honor one of Sacramento's most distinguished citizens, Illa Collin. Her success and steady voice has been an inspiration to Sacramento residents throughout the years. I ask all my colleagues to join me in thanking Illa Collin and wishing her continued success and happiness in her future endeavors.

INTRODUCTION OF THE DRIVE ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. ENGEL. Madam Speaker, last night the President made some bold statements about energy security. He pledged to reduce U.S. gas consumption 20 percent from projected 2017 levels. That amounts to 2 million barrels of oil saved a day. Well if he is serious about his words and he wants to reduce oil consumption just a little more he should take a look at the DRIVE Act Representative KINGSTON and I are introducing today.

The challenge we face is clear. In order to protect our Nation and our environment it is essential we use oil more efficiently and develop a domestic economy revolving around clean alternative fuels.

Madam Speaker, our country has become increasingly dependent on oil imports from countries who deny their citizens basic democratic freedoms and, in some cases, sponsor terrorism. In the 1970s, the U.S. imported one-third of its oil and we now import 56 percent. If the trend continues, we will be importing nearly 70 percent of our oil by 2025. It is simply unacceptable for us to sit idly by while OPEC gains a stranglehold over our economy and our security. In addition, there is now an irrefutable scientific consensus that global warming is real, it is dangerous and it is caused by greenhouse gas emissions.

For these reasons, Madam Speaker, we must act now to provide funding, incentives and leadership to wean our economy off oil and transform it into one empowered by the use of domestic energy.

In the last Congress, Representative KINGSTON and I introduced legislation to do just that the bipartisan Fuel Choices for American Security Act. Members of Congress from both sides of the aisle and in both chambers sponsored the bill and it emerged as the consensus plan to develop a broad array of reliable and clean domestic fuels. The bill has now been improved and will be reintroduced today as the DRIVE Act, the Dependence Reduction through Innovation in Vehicles and Energy Act with over 60 cosponsors from both parties.

The bill has four main parts:

First, the bill will require the U.S. to use less oil—starting with oil savings of 2.5 million barrels of oil per day by 2015 and 5 million barrels per day by 2025. The Office of Management and Budget (OMB) will design and monitor the plan and other Federal agencies will have the power to issue regulations to make the plan a reality.

Second, the legislation will renew Detroit by helping U.S. auto makers manufacture more efficient vehicles that provide the same performance consumers expect. It will do this by providing funds for automakers to retool factories and help them commercialize new efficiency technologies such as plug-in hybrids and light-weight materials. In addition, the bill will help bring fuel-efficient tires into the marketplace and give authority to set efficiency standards for new heavytrucks.

Third, the bill will help develop a domestic alternative fuel economy by mandating incentives for cellulosic biofuels, creating an alternative fueling infrastructure fund for installation of alternative fuel pumps, and providing further incentives to purchase fuel efficient vehicles.

Finally, the bill provides for a nationwide oil security public education campaign to be administered by the Secretary of Energy.

If we implement these policies today we can make America a safer, healthier, and cleaner place. But Madam Speaker, we cannot delay action any longer. The longer we wait, the longer we are at risk for an energy security crisis or irreversible global warming.

Madam Speaker, I urge you to pass the DRIVE Act as soon as possible.

TRIBUTE TO ALPHA & OMEGA CHRISTIAN FELLOWSHIP

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor Alpha & Omega Christian Fellowship in Collinsville, Illinois. The church will celebrate their 25th anniversary with a special service on January 28, 2007.

The church was founded in January 1982 and Gary Anderson served as pastor. The first services were held in the State Park Community House. Later, that same year, the church purchased the former State Park School and has transformed it into a beautiful house of worship. In 1984 Ron Habermehl became the pastor of the congregation with his wife, Debi, as co-pastor and they still minister to the congregation today.

The congregation of Alpha & Omega Christian Fellowship lives out the words of Isaiah 58:12, "Those from among you Shall build the old waste places; You shall raise up the foundations of many generations; And you shall be called the Repairer of the Breach, The Restorer of Streets to Dwell In." (NKJV) Their food pantry which serves their community, as well as their focus on bringing up the next generation, fulfills the mission of these words.

I am pleased to congratulate Alpha & Omega Christian Fellowship on 25 years of service to the Lord. My prayers will be with them during this special time. May God bless Alpha & Omega Christian Fellowship.

LEGISLATION TO ADDRESS OUR NATION'S ENERGY NEEDS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to address our Nation's energy needs through investment incentives for coal-to-liquid, CTL, technology.

The legislation that I have proposed will expand the Alternative Fuels Excise Tax Credit to include CTL technology, allow for the expensing of equipment used in the CTL process, and allow for enhanced oil, natural gas, and coalbed methane recovery credits.

My bill, identical to H.R. 5653 in the 109th Congress, has been supported by the Southern States Energy Board, a bipartisan, multistate consortium dedicated to enhancing economic development through innovations in energy and environmental policies.

Our economic future and our national security now depend on unstable sources of foreign oil. Few realize the numerous possibilities for alternative oil and liquid transportation fuel production that lie right here within our borders. In fact, America has the world's largest alternative liquid fuels resource base of coal, biomass, and oil shale. Exciting technologies are now available to harness these resources in an environmentally responsible and economically rewarding way to substitute conventional oil use.

I believe the incentives offered by an expanded Alternative Fuels Excise Tax Credit will foster an environment where this important technology can become a viable production option. I ask my colleagues to consider their support for this bill in an effort to ensure that all necessary tools are in place to achieve energy independence in the years ahead.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 25, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 26

9 a.m.
Armed Services
Strategic Forces Subcommittee
To receive a closed briefing regarding recent Chinese anti-satellite testing.
S–407, Capitol

JANUARY 30

9 a.m.
Environment and Public Works
To hold hearings to examine Senators' perspectives on global warming, focusing on Senators' views on global warming and what each Senator believes the nation's response should be to the issue.
SD–406

9:30 a.m.
Armed Services
To hold hearings to examine the nomination of Admiral William J. Fallon, USN, for reappointment to the grade of admiral and to be Commander, United States Central Command.
SD–106

10 a.m.
Budget
To hold hearings to examine long-term fiscal challenges.
SD–608

Energy and Natural Resources
To hold hearings to examine the status of Federal land management agencies' efforts to contain the costs of their wildlife suppression activities and to consider recent independent reviews of and recommendations for those efforts.
SD–366

Judiciary
To hold hearings to examine exercising Congress' constitutional power to end a war.
SD–226

2 p.m.
Foreign Relations
To hold hearings to examine the remaining options, alternative plans and the Iraq Study Group relating to securing America's interests in Iraq.
SH–216

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine transportation sector fuel efficiency, including challenges to and incentives for increased oil savings through technological innovation including plug-in hybrids.
SD–366

JANUARY 31

9:30 a.m.
Rules and Administration
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments.
SR–301

Joint Economic Committee
To hold hearings to examine ensuring the economic future by promoting middle-class prosperity.
SD–106

9:45 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the roles of Federal food assistance programs in family economic security and nutrition.
SR–328A

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Department of the Treasury's report to Congress on International Economic and Exchange Rate Policy (IEERP) and the U.S.-China strategic economic dialogue.
SD–538

Budget
To hold hearings to examine solutions to long-term fiscal challenges.
SD–608

Health, Education, Labor, and Pensions
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, and subcommittee assignments; committee will also consider the Genetic Information Nondiscrimination Act.
SD–430

Judiciary
To hold hearings to examine the Iraq Study Group, focusing on recommendations for improvements to Iraq's police and criminal justice system.
SD–226

Small Business and Entrepreneurship
To hold hearings to examine Federal small business assistance programs for veterans and reservists.
SR–428A

10:30 a.m.
Aging
To hold hearings to examine if Medicare Part D is working for low-income seniors.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine economic and security concerns relating to promoting travel to America.
SR–253

Judiciary
To hold hearings to examine challenges and strategies for securing the U.S. border.
SD–226

Armed Services
Readiness and Management Support Subcommittee
To resume hearings to examine abusive practices in Department of Defense contracting for services and inter-agency contracting.
SR–222

FEBRUARY 1

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine accelerated biofuels diversity, focusing on how home-grown, biologically derived fuels can blend into the nation's transportation fuel mix.
SDG–50

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the communications marketplace relating to the Federal Communications Commission.
SR–253

FEBRUARY 6

10 a.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

FEBRUARY 7

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Energy.
SD–366

FEBRUARY 8

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues relating to labor, immigration, law enforcement, and economic conditions in the Commonwealth of the Northern Mariana Islands.
SD–366

FEBRUARY 13

10 a.m.
Energy and Natural Resources
To hold hearings to examine the ''Stern Review of the Economics of Climate Change'' examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere.
SD–106

FEBRUARY 15

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior.
SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1003–S1133

Measures Introduced: Sixteen bills and three resolutions were introduced, as follows: S. 371–386, S. Res. 38–39, and S. Con. Res. 4. **Pages S1056–57**

Measures Reported: S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System. (S. Rept. No. 110–2)

S. Res. 38, authorizing expenditures by the Committee on Energy and Natural Resources.

S. Con. Res. 2, expressing the bipartisan resolution on Iraq, with an amendment. **Pages S1055–56**

Fair Minimum Wage: Senate continued consideration of H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, taking action on the following amendments proposed thereto: **Pages S1011–48**

Adopted:

Kennedy (for Kerry) Amendment No. 187 (to Amendment No. 112), in the nature of a substitute. **Pages S1044–45**

Sununu Amendment No. 112 (to Amendment No. 100), to prevent the closure and defunding of certain women's business centers. **Pages S1011, S1045**

Kennedy (for Feingold) Modified Amendment No. 127, to amend the Buy American Act to require each Federal agency to submit reports regarding purchases of items made outside of the United States. **Page S1045**

Rejected:

By 28 yeas to 69 nays (Vote No. 24), Allard Amendment No. 116 (to Amendment No. 100), to afford States the rights and flexibility to determine minimum wage. **Pages S1021–22, S1041–42, S1043–44**

Withdrawn:

Wyden Amendment No. 104 (to Amendment No. 100), to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000. **Pages S1022–24**

Pending:

Reid (for Baucus) Amendment No. 100, in the nature of a substitute. **Pages S1011–48**

McConnell (for Gregg) Amendment No. 101 (to Amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures. **Pages S1011, S1012–19**

Kyl Amendment No. 115 (to Amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements. **Page S1011**

Bunning Amendment No. 119 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits. **Page S1011**

Enzi (for Ensign/Inhofe) Amendment No. 152 (to Amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system. **Page S1011**

Enzi (for Ensign) Amendment No. 153 (to Amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect. **Page S1011**

Enzi (for Ensign) Amendment No. 154 (to Amendment No. 100), to improve access to affordable health care. **Page S1011**

Smith Amendment No. 113 (to Amendment No. 100), to make permanent certain education-related tax incentives. **Page S1011**

Vitter/Voinovich Amendment No. 110 (to Amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns. **Page S1021**

DeMint Amendment No. 155 (to Amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of

1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market. **Pages S1027–29**

DeMint Amendment No. 156 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements. **Pages S1035–38**

DeMint Amendment No. 157 (to Amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages. **Pages S1035–38**

DeMint Amendment No. 158 (to the language proposed to be stricken by Amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages. **Pages S1035–38**

DeMint Amendment No. 159 (to Amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization. **Pages S1035–38**

DeMint Amendment No. 160 (to Amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax. **Pages S1035–38**

DeMint Amendment No. 161 (to Amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007. **Pages S1035–38**

DeMint Amendment No. 162 (to Amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage. **Pages S1035–38**

Kennedy (for Kerry) Amendment No. 128 (to Amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns. **Page S1042**

During consideration of this measure today, Senate also took the following action:

By 49 yeas to 48 nays (Vote No. 22), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on McConnell (for Gregg) Amendment No. 101 (to Amendment No. 100) (listed above). **Pages S1018–19**

By 54 yeas to 43 nays (Vote No. 23), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the bill. **Page S1020**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, January 25, 2007; that there be one hour of debate, equally divided between Senators Kennedy and DeMint on DeMint Amendment No. 158 (listed above); that no amendments to the amendment be in order prior to a vote on, or in relation to, the amendment, and Senate then vote on, or in relation to the amendment. **Page S1133**

Messages From the House: **Page S1055**

Messages Referred: **Page S1055**

Executive Communications: **Page S1055**

Executive Reports of Committees: **Page S1056**

Additional Cosponsors: **Pages S1057–58**

Statements on Introduced Bills/Resolutions: **Pages S1058–80**

Additional Statements: **Pages S1054–55**

Amendments Submitted: **Pages S1080–S1132**

Authorities for Committees to Meet: **Pages S1132–33**

Privileges of the Floor: **Page S1133**

Record Votes: Three record votes were taken today. (Total—24) **Pages S1019, S1020, S1043–44**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:44 p.m., until 9:30 a.m., on Thursday, January 25, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1133.)

Committee Meetings

(Committees not listed did not meet)

PANDEMIC FLU

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine progress made and challenges ahead relating to pandemic flu, focusing on vaccines, antiviral therapies, and diagnostics, after receiving testimony from Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Julie L. Gerberding, Director, Centers for Disease Control and Prevention, and Gerald W. Parker, Principal Deputy Assistant Secretary, Office of the Assistant Secretary for Preparedness and Response, all of the Department of Health and Human Services.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nomination of Lieutenant General

David H. Petraeus, USA, to be General and Commander, Multi-National Forces—Iraq, and 1,125 military nominations in the Army, Navy, Air Force, and Marine Corps.

AIRLINE INDUSTRY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the potential impact of airline mergers and industry consolidation relating to the state of the airline industry, focusing on the role of the Federal government in the industry's ongoing restructuring, and the prospect of consolidation, after receiving testimony from Senator Isakson; Andrew B. Steinberg, Assistant Secretary of Transportation for Aviation and International Affairs; Gerald Grinstein, Delta Air Lines, Atlanta, Georgia; W. Douglas Parker, US Airways Group, Phoenix, Arizona; Robert Roach, Jr., International Association of Machinists and Aerospace Workers, Upper Marlboro, Maryland; and Mark Cooper, Consumer Federation of America, Washington, D.C.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee adopted its rules of procedure for the 110th Congress.

CAP AND TRADE SYSTEM PROPOSAL

Committee on Energy and Natural Resources: Committee held a hearing to examine an analysis completed by the Energy Information Administration entitled ''Energy Market and Economic Impacts of a Proposal to Reduce Greenhouse Gas Intensity with a Cap and Trade System'', receiving testimony from Howard Gruenspecht, Deputy Administrator, Energy Information Administration, Department of Energy; Jason S. Grumet, National Commission on Energy Policy, Daniel A. Lashof, Natural Resources Defense Council, and Anne E. Smith, CRA International, all of Washington, D.C.; and Jeffry E. Sterba, PNM Resources, Albuquerque, New Mexico.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported an original (S. Res. 38) resolution authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 110th Congress and announced the following subcommittee assignments:

Subcommittee on Energy: Senators Dorgan (Chairman), Akaka, Wyden, Johnson, Landrieu, Cantwell, Menendez, Sanders, Tester, Murkowski, Craig, Burr, DeMint, Corker, Sessions, Bunning, and Martinez.

Subcommittee on Public Lands and Forests: Senators Wyden (Chairman), Akaka, Johnson, Landrieu, Cantwell, Salazar, Menendez, Lincoln, Sanders, Burr, Craig, Thomas, Murkowski, DeMint, Sessions, Smith, and Bunning.

Subcommittee on National Parks: Senators Akaka (Chairman), Dorgan, Landrieu, Salazar, Menendez, Lincoln, Sanders, Tester, Thomas, Murkowski, Burr, Corker, Sessions, Smith, and Martinez.

Subcommittee on Water and Power: Senators Johnson (Chairman), Dorgan, Wyden, Cantwell, Salazar, Lincoln, Tester, Corker, Craig, Thomas, DeMint, Smith, and Bunning.

Senators Bingaman and Domenici are ex officio members of each of the Subcommittees.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Michael J. Astrue, of Massachusetts, to be Commissioner of Social Security, after the nominee, who was introduced by Senator Kerry, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported S. Con. Res. 2, expressing the bipartisan resolution on Iraq.

Also, Senate committee announced the following subcommittee assignments:

Subcommittee on African Affairs: Senators Feingold (Chair), Nelson (FL), Obama, Cardin, Webb, Sununu, Coleman, Vitter, and Hagel.

Subcommittee on East Asian and Pacific Affairs: Senators Boxer (Chair), Kerry, Feingold, Obama, Webb, Murkowski, Isakson, Vitter, and Hagel.

Subcommittee on European Affairs: Senators Obama (Chair), Dodd, Menendez, Cardin, Casey, DeMint, Voinovich, Corker, and Murkowski.

Subcommittee on Near East and South and Central Asian Affairs: Senators Kerry (Chair), Dodd, Feingold, Boxer, Cardin, Coleman, Hagel, Sununu, and Voinovich.

Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs: Senators Dodd (Chair), Kerry, Nelson (FL), Menendez, Webb, Corker, Isakson, Coleman, and Sununu.

Subcommittee on International Development and Foreign Assistance, Economic Affairs and International Environmental Protection: Senators Menendez (Chair), Kerry, Boxer, Obama, Casey, Hagel, Corker, Murkowski, and DeMint.

Subcommittee on International Operations and Organizations, Democracy and Human Rights: Senators Nelson (FL) (Chair), Feingold, Menendez, Casey, Webb, Vitter, Voinovich, DeMint, and Isakson.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported an original resolution authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 110th Congress.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 49 public bills, H.R. 649–697; and 13 resolutions, H. Con. Res. 44–45 and H. Res. 92–101, were introduced. **Pages H941–44**

Additional Cosponsors: **Pages H944–45**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Cleaver to act as Speaker pro tempore for today. **Page H889**

Board of Regents of the Smithsonian Institution—Appointment: The Chair announced the Speaker's appointment of Representative Sam Johnson to the Board of Regents of the Smithsonian Institution. **Page H890**

Privileged Resolution: The House agreed to table H. Res. 93, relating to a question of the privileges of the House, by a recorded vote of 223 ayes to 189 noes, Roll No. 54. **Pages H902–03**

Motion to Adjourn: Rejected the Walden motion to adjourn by a yea-and-nay vote of 185 yeas to 226 nays, Roll No. 55. **Page H903**

Question of Consideration: The House agreed to consider H. Res. 78, amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union, by a Recorded vote of 224 ayes to 186 noes, Roll No. 56. **Pages H903–04**

Amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union: The House agreed to H. Res. 78, amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union, by a yea-and-nay vote of 226 yeas to 191 nays, Roll No. 57. **Pages H903–13**

H. Res. 86, the rule providing for consideration of the resolution, was agreed to by a Recorded vote of 228 ayes to 188 noes, Roll No. 53, after agreeing to order the previous question by a yea-and-nay vote of 229 yeas to 191 nays, Roll No. 51. **Pages H891–H902**

Earlier, the House agreed to table the Dreier motion to reconsider the vote on ordering the previous question by a Recorded vote of 229 ayes to 189 noes, Roll No. 52. **Pages H900–01**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, January 31. **Page H915**

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 29, 2007. **Page H915**

House of Representatives Page Board—Appointment: Read a letter from the Minority Leader wherein he appointed Representative Capito to the House of Representatives Page Board. **Page H915**

House of Representatives Page Board— Appointment: The Chair announced the Speaker's appointment of Representatives Kildee and DeGette to the House of Representatives Page Board. **Page H915**

Senate Messages: Messages received from the Senate today appear on pages H889 and H929.

Senate Referral: S. 1 was held at the desk.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H900, H901, H901–02, H902, H903, H903–04, and H912–13. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 5:50 p.m., pursuant to the provisions of H. Con. Res. 41, stands adjourned until 2 p.m. on Monday, January 29, 2007.

Committee Meetings

COMMITTEE ORGANIZATION

Committee on Education and Labor: Met for organizational purposes.

SOUTH SUDAN

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on South Sudan: The Comprehensive Peace Agreement on Life Support. Testimony was heard from Representative Wolf; and Roger Winter, former Special Representative for Sudan.

COMMITTEE ORGANIZATION

Committee on the Judiciary: Met for organizational purposes.

MISCELLANEOUS MEASURES; COMMITTEE ORGANIZATION; OVERSIGHT PLAN

Committee on Science and Technology: Ordered reported the following measures: H.R. 365, Methamphetamine Remediation Research Act of 2007; H. Res. 59, Supporting the goals and ideals of National Engineers Week; and H. Con. Res. 34, Honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences.

Prior to this action, the Committee met for organizational purposes.

The Committee approved an Oversight Plan for the 110th Congress.

SURFACE TRANSPORTATION SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Surface Transportation System: Challenges for the Future. Testimony was heard from Jeffrey N. Shane, Under Secretary, Policy, Department of Transportation; and public witnesses.

POVERTY—ECONOMIC AND SOCIETAL COSTS

Committee on Ways and Means: Held a hearing on Economic and Societal Costs of Poverty. Testimony was heard from Sigurd R. Nilsen, Director, Education, Workforce, and Income Security, GAO; and public witnesses.

INTELLIGENCE SUPPORT TO POLICY MAKER

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Intelligence Support to the Policy Maker. Testimony was heard from Lee Hamilton, Co-Chair, Iraq Study Group (Baker-Hamilton Commission).

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 25, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the current situation in Iraq and on the Administration's recently announced strategy for continued United States assistance to the Iraqi government and for an increased United States military presence in Iraq, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the billing, marketing, and disclosure practices of the credit card industry, and their impact on consumers, 9:30 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the Congressional Budget Office budget and economic outlook, 10 a.m., SD–608.

Committee on Energy and Natural Resources: to hold hearings to examine oil and gas resources on the Outer Continental Shelf and areas available for leasing in the Gulf of Mexico, 9:30 a.m., SD–366.

Committee on Foreign Relations: to resume hearings to examine the remaining options relating to securing America's interests in Iraq focusing on reconstruction strategy, 9:15 a.m., SH–216.

Full Committee, to resume hearings to examine the remaining options relating to securing America's interests in Iraq focusing on political strategy, 2:30 p.m., SD–628.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the Federal government's efforts to develop a foreign language strategy, focusing on the government's efforts to increase foreign language education to meet the Federal workforce, national security, and economic competitiveness needs, 2:30 p.m., SD–342.

Committee on Indian Affairs: business meeting to consider an original resolution authorizing expenditures for committee operations, and committee's rules of procedure for the 110th Congress, 9:30 a.m., SR–485.

Committee on the Judiciary: business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 110th Congress, subcommittee assignments, the nominations of Lisa Godbey Wood, to be United States District Judge for the Southern District of Georgia, Philip S. Gutierrez, and Valerie L. Baker, each to be United States District Judge for the Central District of California, Lawrence Joseph O'Neill, to be United States District Judge for the Eastern District of California, Gregory Kent Frizzell, to be United States District Judge for the Northern District of Oklahoma, S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys, S. Res. 21, recognizing the uncommon valor of Wesley Autrey of New York, New York, S. Res. 24, designating January as ''National Stalking Awareness Month'', and S. Res. 29, expressing the sense of the Senate regarding Martin Luther King, Jr. Day, 10 a.m., SD–226.

Select Committee on Intelligence: to hold hearings to examine intelligence reform, 2:30 p.m., SH–216.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Thursday, January 25

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2, Fair Minimum Wage, and after one hour of debate, vote on, or in relation to, DeMint Amendment No. 158.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, January 29

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Bachus, Spencer, Ala., E181
Becerra, Xavier, Calif., E183
Blumenauer, Earl, Ore., E186
Camp, Dave, Mich., E191
Carney, Christopher P., Pa., E183
Clarke, Yvette D., N.Y., E185
Davis, Tom, Va., E188
Diaz-Balart, Lincoln, Fla., E189
Engel, Eliot L., N.Y., E193
Forbes, J. Randy, Va., E186
Frelinghuysen, Rodney P., N.J., E187
Gallegly, Elton, Calif., E190
Garrett, Scott, N.J., E190
Gordon, Bart, Tenn., E192
Hoekstra, Peter, Mich., E186
Jackson-Lee, Sheila, Tex., E192
Johnson, Eddie Bernice, Tex., E183
Kennedy, Patrick J., R.I., E184
Kildee, Dale E., Mich., E181
Kirk, Mark Steven, Ill., E191
Lewis, Ron, Ky., E193
McCollum, Betty, Minn., E182, E190, E191
Matsui, Doris O., Calif., E192
Murphy, Tim, Pa., E187
Neal, Richard E., Mass., E184
Poe, Ted, Tex., E185
Rogers, Mike, Ala., E187
Ruppersberger, C.A. Dutch, Md., E182, E190
Sánchez, Linda T., Calif., E185
Shimkus, John, Ill., E182, E191, E193
Space, Zachary T., Ohio, E186
Stark, Fortney Pete, Calif., E181, E191
Stupak, Bart, Mich., E188, E189
Upton, Fred, Mich., E189

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.