United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, MARCH 26, 2007 No. 52

Senate

The Senate met at 2:30 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Almighty God, whose power moves in the changes of the seasons and in the circuit of the stars, let Your gentle strength live in each of our hearts.

Today, infuse our Senators with Your wisdom so that in their coming and going they will walk in the path of Your will. Lord, keep them faithful. Amid the haste and hurry of their labors this week, remind them to spend time with You so that they experience You as the joy and strength of true living. Quicken their faith and hope; give them Your perfect calm as they aspire to honor You. Make their lives a gift of Your love to a hurting world.

Much like the gift of Bishop Gilbert Earl Patterson, Lord, we thank You and praise You for his life and witness. Today, comfort the millions who are mourning his death. We humbly pray these things in the Name of Him who was in the beginning and will be in the end. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be an extra 30 minutes for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, this afternoon, the Senate will be in a period for morning business. At 3:30 p.m., the Senate will proceed to consideration of the supplemental appropriations bill, H.R. 1591. As I announced earlier, there will be no rollcall votes today. This week is slated to be the last week of the work period prior to the Easter recess. However, we must work toward finishing the supplemental before we can do this, and I am going to be meeting in the next few minutes with the distinguished Republican leader to see if that is possible to do.

MEASURE PLACED ON THE CALENDAR—H.R. 545

Mr. REID. Mr. President, it is my understanding that H.R. 545 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The bill clerk read as follows:

A bill (H.R. 545) 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.

Mr. REID. Mr. President, I now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The measure will be placed on the calendar.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to make a brief statement, but I believe the majority leader may have one as well.

Mr. REID. Please, go ahead.

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

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EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

Mr. McCONNELL. Mr. President, the House of Representatives passed an emergency war spending bill on Friday that includes tens of billions of dollars for projects that have no connection whatsoever to the needs of our troops in Iraq and Afghanistan, that tells U.S. generals how to do their jobs, and which pulls out of thin air a date for evacuating U.S. troops from Iraq.

It was meant to send a message to the Commander in Chief, but its only real effect is to delay the delivery of urgent material support to our troops. The President has said he will veto any legislation that includes a surrender date and which substitutes the judgment of politicians in Washington for the judgment of commanders in the field. Those who voted for the House spending bill on Friday, therefore, knew it had no chance of being approved. It was an empty promise to the troops.

The Constitution gives Members of Congress a concrete way of expressing their opposition to a war, and that is to vote against funding it. But House Democrats are trying to have it both ways: They call their bill a statement against the very war it continues to fund, a promise of support for the troops that has no chance of being signed.

Who loses out in this strange calculus? American soldiers and marines deployed in Afghanistan and Iraq and their worried families here at home are the losers.

The Secretary of Defense said as much last week. He said delaying the approval of funds would slow the training of units already headed into Iraq and reduce the funds available for repairs to buildings and equipment. He said it would force the Army to consider cutting funds for renovations to barracks and cut off repairs to equipment that is needed to support troop deployment training.

The House brushed these concerns aside to express a point of view. But troops who have been sent into battle with assurances of support got another message: Don't count on it from us.

Some have said the Senate version of the war spending bill is more palatable. They say this because its date for withdrawal is only a goal. They think that by retaining this provision, they will eventually force Republicans to accept the notion that battlefield commanders should be tied to arbitrary timelines. Believe me, they are wrong.

The week before last, we prevented legislation that would have told our enemies the date on which we will give up. A majority in the Senate showed it won't approve a bill that shares our battle plan with the enemy or which tells soldiers and commanders how to do their jobs.

We won't let timelines be used as the toll booth for getting aid to the troops, and we need to send the President a bill that doesn't include them so he can sign it without delay. I urge my colleagues to put an end to this unfortunate and misguided effort to set an arbitrary date upon which to withdraw from Iraq and to strip language from this emergency spending bill that only guarantees our troops will have to wait for the help they need and the support they deserve.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, the first 3 months of the 110th Congress have been very productive. We have shown the American people that when Democrats and Republicans work together results flow. It is interesting, when that happens, there are a lot of positives that can be said by both parties. When we don't accomplish something, there is a lot of criticism that is shared by both parties.

This productive work began in January when we passed the ethics bill, the most sweeping reform in the history of our country. Next we worked to raise the minimum wage for the first time in a decade. After minimum wage, we finished the fiscal work of the last Congress, the 109th Congress, by passing a responsible continuing resolution with no earmarks. Then we went to homeland security and ensured that 5 years after 9/11, all the recommendations of the 9/11 Commission will be implemented. Last week, we passed a balanced budget which includes over $180 billion in tax breaks for middle-class families and says in the future, if you are going to lower taxes, if you are going to increase spending, you have to have some way to pay for it. Ethics, minimum wage, the continuing resolution, the 9/11 recommendations and the budget—it is a record of which all of us can be proud. But, of course, we have so much more to do. From stem cell to immigration to energy, there are challenges ahead, and this week the Senate will turn its attention to the most pressing challenge of them all—the debacle of Iraq.

Today we begin consideration of the 2007 supplemental appropriations bill. This legislation includes more than $121 billion. The vast majority—90 percent of it—is for the wars in Iraq and Afghanistan. It is also for enhancing military readiness generally, for improving veterans health care—and certainly in the wake of Walter Reed and other scandals regarding how veterans are being taken care of, this is certainly something that is necessary—for national priorities such as rebuilding the gulf coast and homeland security and I mention, Mr. President, drought assistance, farm disaster.

In the western part of the United States, because of this global climate change, we have had millions—I am speaking directly—millions, not thousands, but millions—of acres burned, and unless we figure out some way to restore that vegetation, that land is going foul, to say the least. That is what this is all about—farm aid assistance. Willie Nelson could sing for weeks about the need for this assistance to take place in the West. I am not an expert on wheat, corn, rice, and all those other products—a lot of people here are—but I am about rangelands and what has happened to Nevada.

The bill contains critical money, as I have indicated, for our troops. We need to get the money to them as quickly as we can. Our troops are serving under difficult conditions. The Senate will ensure they have everything they need to continue this fight as we have done.

Our support, though, for the troops does not stop at funding. We must also ensure our soldiers have a strategy for success. The Democratic-controlled Congress is listening to the American people and fighting to give our troops what they need and strategy—strategy worthy of their sacrifices. That is why in addition to the much needed changes for our troops, the bill also contains a strong message for President Bush: Change course in Iraq.

My friend, the distinguished Republican leader, criticized what is in this bill that will be reported to the floor shortly, saying it is not good for the troops. David Brooks, the very conservative editorial writer for the New York Times, said last Friday on the ''Jim Lehrer NewsHour'': This is ridiculous for anyone to criticize a democracy for debating the most important issue of the day, the war in Iraq. The very conservative David Brooks said this is what democracies are all about. The troops over there know this is good.

I have my BlackBerry on my hip. Someone BlackBerried his friend, one of my staff members, who is a full colonel in the Army National Guard out in Nevada. He keeps in touch with his friends. He said what happened in the House and what we put in our bill is good for the troops—this is a soldier e-mailing my friend from Iraq—because it lets the Iraqi Government know we are serious. He went on to say the deadline is important for the Iraqi people and the soldiers, and the Iraqi people know that.

Secretary Gates, when asked about this timeline, provisions in the bill relating to Iraq, said it doesn't affect the troops adversely at all.

Certainly the troops know we care about them. We give them everything they need. But last week, we entered the fifth year of this war. Think about that, the fifth year of this war, and there is no end in sight, I am sorry to say. The news this morning, when I first got up, was five more soldiers were killed yesterday, 238 this year alone. March 26, 238 dead Americans, just like the boy Raul Bravo, from Elco, NV. I talked to his mother—237 just like that young man. Three thousand two hundred forty-one so far in this war—dead Americans—25,000

wounded. One hospital in Texas has handled 250 amputations. There are 2,000 double amputees as a result of this war.

The war continues to move in the wrong direction and yet—instead of digging us out of the hole it created in Iraq—instead of stopping this downward spiral of destruction—instead of taking the fight to the terrorists who attacked us on September 11—this White House wants us to keep doing more of the same in Iraq.

In January, President Bush said he would escalate the conflict and send 21,500 new troops for a few months. Of course, we were misled on that. We now know the number is around 30,000, and they will be there indefinitely, and the President has said he might ask for more troops. There is no short-term surge, as the President has described. It is more of the same. The President is placing troops in the middle of an Iraqi sectarian civil war. More military solutions to a problem that General Petraeus, our top commander in Iraq, has said can only be solved politically. Our commander on the ground in Iraq has said that only 20 percent of it can be won militarily. That is not good enough for me. We need to find a new way forward.

If the President will not listen to the generals, if he will not listen to the American people, who have spoken for a new direction, then perhaps he will listen to us, Congress, when we send him a supplemental bill that acknowledges reality in Iraq. We must find a new way forward. The President can swagger all he wants, but we have 3,241 dead Americans.

The Iraq measure in this bill changes the mission of U.S. troops from policing a civil war to counterterror, training, and force protection. It rejects the notion that this war can be won militarily, and it sets a goal of redeploying our troops by March 2008. It includes a requirement for a political, diplomatic, and economic strategy to be implemented in conjunction with the redeployment.

The Iraq language is based on a simple premise: Iraq can be won only politically. In short, it offers a responsible strategy in Iraq that the American people asked for last November 7—a strategy that will enhance our country's ability to wage war on terror.

Contrary to what President Bush believes, the key to success in Iraq is not escalating the conflict by adding tens of thousands of additional troops to trod down the same dangerous road. It is to find a new way forward.

I urge my colleagues to support this supplemental. After 4 years of war, our troops deserve a strategy to help them complete the mission so they can come home.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to thank our leader for his comments about the progress that has been made in the Senate on issues that affect the working middle-class families of this country and also for his responses on the issue of the war in Iraq, where there should be an opportunity, as we focus on the particular amendment, to get into that in greater detail. But I thank him for his very worthwhile comments this afternoon.

NORTHERN IRELAND PEACE PROCESS

Mr. KENNEDY. Mr. President, the leaders of Northern Ireland took another giant step toward lasting peace earlier today when Sinn Fein and the Democratic Unionist Party reached a landmark agreement to share power in a joint administration to be established on May 8. The agreement gives hope to all who have worked so long and so hard to bring unionists and nationalists together in government on a permanent basis.

Prime Minister Ahern of Ireland and Prime Minister Blair of Britain have been strong allies for peace. John Hume and many others have been heroes along the way. But the indispensable persons in this historic agreement today are Gerry Adams, the leader of Sinn Fein, and Ian Paisley, the leader of the Democratic Unionist Party. In reaching this agreement, they have acted to strengthen democracy and create a future of peace and stability for the future of that troubled land.

Today, the people of Northern Ireland salute them both for reaching this new day, and the world congratulates them as well. We know it was not an easy step to take. Their past disagreements have been intense and deep. The challenges they have faced often seemed irreconcilable, and the scars of the past have often seemed impossible to heal. Compromises have been difficult and painful to achieve. But with this agreement, Sinn Fein and the DUP have finally taken the essential step of looking forward together—not backward—and have agreed at long last to work with one another for the future of Northern Ireland.

The eyes of the world will be on them on May 8. All who care about lasting peace and stability look forward to the permanent restoration of the Northern Ireland Government at that time. In a world where political resolution often is elusive, these leaders deserve enormous credit for giving us hope.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I listened with interest to the remarks of the distinguished Senator from Massachusetts. I do, myself, feel a great sense of pleasure and comfort in what has transpired today with regard to Ireland, and I wanted to say so.

THE EMPLOYEE FREE CHOICE ACT

Mr. HATCH. Mr. President, on March 1, the other body passed the horribly misnamed ''Employee Free Choice Act,'' H.R. 800, and we may soon be called upon to consider that bill or a similar Senate counterpart. The bill was steamrolled through the House of Representatives in less than a month from its introduction, with only a single day of subcommittee hearings, at which only one expert witness critical of the bill was permitted to testify. It was considered in the House with only limited amendments allowed to be offered. Obviously, it is incumbent on us to make certain the Senate takes the opportunity for fuller debate on a measure of such wide impact.

The chairman of the Health, Education, Labor, and Pensions Committee has scheduled a hearing tomorrow, where we will undoubtedly hear how ''unfair'' the current unionization system is and how it must be amended to allow for greater unionization. I am sure we will have a full and robust debate in this body. But as we kick off this debate over whether to deny private ballots to workers who wish to unionize, it is my hope we will be able to at least hold fast and true to the facts. There should be a full debate on these facts.

There is ample evidence to indicate that we should be wary of amending the National Labor Relations Act, the NLRA, in a way that would upset the balance in national labor policy between labor and management and employer and employee. We must not rely on slogans, anecdotal stories, and questionable secretly commissioned and selective statistics about alleged unfair labor practices.

The NLRA and its attendant volumes of reported decisions and case precedent by the National Labor Relations Board is an extremely complicated, interwoven area of law. Amending it in the way the sponsors of H.R. 800 envision could rip a gaping hole in the precise weave of this complex fabric and have a dramatic impact with many unintended consequences.

It must also be considered that amending the NLRA will not only affect the welfare of unions, but it will also have a negative overall impact on workers, employers—especially small employers—and on the economy and America's ability to be competitive in a global economy.

So let us begin the discussion of the bill. The Employee Free Choice Act is designed to increase union membership, which currently stands at 7.4 percent of the private sector workforce. The bill would accomplish that through an artificial, union-controlled ''card check'' certification procedure in place of the traditional NLRB-supervised private ballot election or, as

some have called it, a secret ballot election.

In fact, the bill would radically upset the balance in labor and management and employer-employee relations by amending the National Labor Relations Act in three ways:

First, the bill would mandate union representation without a private ballot election among employees. The so-called Employee Free Choice Act mandates that the NLRB certify a union as the exclusive collective bargaining representative of employees when the union has demonstrated that a majority of the employees, 50 percent plus 1, have signed union authorization cards—or, in other words, the ''card check'' system without a private ballot election among employees.

Not only would this deny employees the right of private, NLRB-protected ballot elections on the question of initial union representation, but through operation of the NLRB's current ''certification bar'' doctrine, it would prevent employees from challenging the union's majority status through a decertification election for the certification year.

Secondly, the bill would guarantee union contracts where the Government would impose the wages, the terms, and conditions of employment for 2 years if the parties fail to agree after 90 days of bargaining and 30 days of mediation. That is because the so-called Employee Free Choice Act requires compulsory, binding arbitration of initial union contracts.

Specifically, under the so-called Employee Free Choice Act, an employer must begin bargaining within 10 days of the union's demand. Thereafter, if the union and the employer cannot reach an agreement within 90 days, the contract terms must be submitted to the Federal Mediation and Conciliation Service for a 30-day period of mediation. If the FMCS is unable to mediate an agreement between the parties, then it must refer the initial contract to an FMCS arbitration panel with the authority to issue a decision that is binding on the employer and union for a 2-year period.

Added to current law, the effect would be to deny employees the opportunity to approve, or ratify, the terms of the contract. They would be prevented by the NLRB's ''contract bar'' from initiating a private ballot decertification election challenging the union's continuing majority status for the 2-year term of the contract.

Finally, the bill would impose new antiemployer penalties. These include prioritizing NLRB investigations of unfair labor practice charges alleged to have been committed by an employer during an organizing campaign and possibly pursuing injunctive remedial action in Federal Court.

The proposal also provides for liquidated damages in the amount of two times any back pay found due and owing and subjects an employer to a civil penalty not to exceed $20,000 per violation of the NLRA. As this chart shows, the proponents of the so-called Employee Free Choice Act are asking the American worker to accept the denial of access to complete information about the union, the denial of a private ballot vote, the inability to decertify a union for at least 28 months after it is initially certified, the denial of the right to strike for a better deal after binding arbitration, potentially the denial of an employee's opportunity to vote on a contract, and the denial of knowing if a union is organizing at their place of work.

Let us look at that again. The effect of the Employee Free Choice Act dissolves workers' rights to access to complete information about the union, to vote in secret, to decertify the union for at least 28 months, to strike for a better deal—takes that away from them—to vote on a contract—takes that away from them—and to know if union organizing is taking place. It takes their rights away as workers.

This deceptively named bill has little to do with employee free choice. In fact, it would take away an employee's right to choose union representation through private ballot elections—some say ''secret ballot'' elections—something the unions have always fought for but now are going to throw away in their desire to unionize at all costs. Indeed, it has everything to do with guaranteeing union organizing to increase union membership, at a time when unions represent a steadily declining percentage of America's private sector workforce.

As you can see clearly from this chart, since the modern-day union movement in 1935, when you evaluate their percentage of the overall workforce, unions have had good years, up in here, and they have had many bad years.

As that chart clearly demonstrates, under the current system of NLRB overseeing private ballot elections in recent years, unions have lost membership.

Currently, I must underscore, union membership stands at 7.4 percent of the private sector workforce. Proponents of the Employee Free Choice Act seek to turn back time when it comes to the percentage of the American workforce that is unionized and that they want to be unionized.

I have no inherent problem with a fairly considered, fairly elected union. However, this bill attempts to increase union strength through an artificial, union-controlled ''card check'' certification procedure which tosses away the traditional NLRB-supervised private ballot election.

Where is the problem we are trying to fix? This bill would replace the time-honored, NLRB-protected private ballot election, the traditional system under which workers decide whether to be represented or not represented by a union. Instead, the system would be supplanted with the mandated ''card check'' procedure, where union organizers can pressure employees to sign union authorization cards which are then presented to the NLRB for certification of the union as the exclusive collective bargaining representative of all of the employees.

It is important for us to consider that the U.S. Supreme Court has repeatedly denounced union authorization cards as being ''inherently unreliable'' because of the types of peer pressures, some subtle and some not so subtle or benign, to sign the cards. In its 1969 Gissel Packing decision, the Court acknowledged that the use of authorization cards to determine majority support is unreliable and that private ballot elections are the ''most satisfactory—indeed the preferred method of ascertaining whether a union has majority support.''

Unions, likewise, prefer a NLRB-protected and supervised private ballot election, at least when they are faced with a decertification petition from their members to determine whether the union has majority support. That was demonstrated once again last month by union opposition to a proposed amendment to apply the ''card check'' provisions of the so-called Employee Free Choice Act to decertification elections. That amendment was defeated in the House committee's markup.

As one court stated with regard to ''card check'' authorization:

> It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a ''card check'' unless it were an employer's request for an open show of hands. The one is no more reliable than the other.

That is in the NLRB v. Logan Packing Company of the Fourth Circuit.

It is hard to believe we are seriously considering a bill to deny workers a private ballot vote so soon after the national elections. It is also inconsistent with our Nation's history of promoting private ballot elections for the disenfranchised members of society through the suffragette and civil rights movements, especially when we are fighting for the opportunity of individuals around the world to have the democratic right to a private ballot election that is free of intimidation and coercion.

I am reminded of a statement made on January 31 of this year by my longtime friend and colleague from Massachusetts on the need for fair elections:

> For too long, we've ignored the festering problem of deceptive practices intended to intimidate and deceive voters in our national elections. . . .''

Although I am not able to say this very often, I can say that I am in absolute agreement with my friend on that point. In every election, whether it is for President, local dog catcher, or union organization, we as representatives of the people whom we serve have an obligation to ensure our constituents' votes will be cast without fear of intimidation.

I assert—and I think many also would back this up—that a private ballot election overseen by the NLRB, a

Government agency, has a better chance to be more free and fair than one in which it is left to the union organizers to solicit cards in secret until they receive a majority of 50 plus 1. What happens to the other 49 percent? Are they just disenfranchised? The answer is yes.

Under the ''card check'' system, there is no inducement to allow employees to make an informed decision, learn all the facts, and hear arguments for and against unionization.

It is difficult for me to believe we would be considering a bill which would mandate that the Government impose wages, terms, and conditions of employment where the parties, new to collective bargaining, have not reached agreement after 90 days. This would destroy free collective bargaining and the entire labor law concept of ''impasse'' when the parties are unable to agree. Under the so-called Employee Free Choice Act, for first contracts, ''impasse'' would be defined as 90 days of bargaining before the Government steps in. Even basic labor law textbooks term compulsory binding arbitration as the ''antithesis of collective bargaining.''

These are radical changes in collective bargaining which have little to do with employee free choice. In fact, these amendments would disenfranchise workers by denying them private ballot elections and a vote on whether to accept wages, terms, and conditions the Government arbitration panel would impose on them.

Who would benefit from the passage of the so-called Employee Free Choice Act? I can tell you. Only unions. They would be virtually guaranteed organizing success, increased union membership, and more union dues.

As you can see from this chart, over the past 6 years, unions traditionally win approximately 50 to 60 percent of NLRB-supervised private ballot elections. In contrast, it is reported that ''card check'' elections yield unions success approximately 80 to 85 percent of the time. Who would benefit? I can tell you. Only unions.

Look at that chart again. ''Union Win Rates in Elections.'' The NLRB-supervised election, in 2000, the unions won 51 percent; in 2001, the unions won 54 percent; in 2002, they won 56 percent; in 2003, they won 57 percent; in 2004, they won 57 percent; in 2005, they won 61 percent; and in 2006, they won 61 percent.

Where ''card check'' elections have been held—because the employers have agreed to them, I guess, because they are certainly not law yet; that is why they are bringing this up—80–85 percent have become unionized even though 49 percent of the people in those companies have had nothing to say about it. It is not right. It is not the way to go.

Unions would be guaranteed first contracts for a period of 2 years under this bill.

Looking at the big picture, what would the so-called Employee Free Choice Act mean for our economy? Let me read from a recent article written by Jack and Suzy Welch in the March 12 issue of BusinessWeek magazine. Jack Welch is one of the alltime important business leaders in this country. Here is what they had to say:

> We know it must sound strange to oppose legislation that promises something as motherhood-y as ''free choice.'' But the title of this bill is pure propaganda. It won't encourage liberty or self-determination in the workplace; more likely it will introduce intimidation and coercion by labor organizers, who, after a long slide into near-oblivion, finally see a glorious new route to millions of dues-paying members. Their campaign could trigger a surge in unionization across U.S. industry—and in time, a reversion to the bloated economy that brought America to its knees in the late 1970s and early '80s and that today cripples much of European business. If you want to be reminded of what that looks like, drive through Pennsylvania's Lehigh Valley, as we did last weekend, and take a look at all the shuttered factories. Steel—like coal, autos, and so many other industries in the global economy—paid the inevitable price of unionization run amok.
>
> . . . The advance of the Employee Free Choice Act continues unabated. And so pretty soon, if enough business leaders and legislators don't stand up, it may well be: Hello again, unions. So long, American competitiveness. The change will not happen instantly. Companies will fight unions as if their lives depend on it, because they do. But given the logistics of the Employee Free Choice Act, any management campaign is hobbled. If you can't be at the kitchen table with the organizers and their hard stares, you probably can't win.

He sums it up:

> In those areas where employers have agreed to a ''card check,'' they have invariably become unionized and many employees unionized against their will with the obligation of paying dues.

Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Mr. President, I assert that this is the start of another historic Senate debate on national labor policy. It is unfortunate that I have to be involved in this because I was raised in the union movement. I am one of the few people who have served in Congress who actually earned a union card, who actually became a skilled building tradesman, who worked in the building construction trade unions for 10 years. I believe unions are important, but I believe they should have to earn their membership and not have it given to them.

In conclusion, as we enter this debate, let us not be fooled by the misinformation from the other side.

Take a look at this chart. They claim employers coerce employees to vote no. The truth is that in less than 2 percent of cases is it found that an employer has inappropriately interfered in a union organizing election.

They claim unions can't win elections under the current system. The truth is that unions won 62 percent of NLRB elections in 2005, the last year for which a complete set of statistics exists.

They claim American workers want to form unions using a ''card check'' system. The truth is that, according to a recent poll, 79 percent of Americans disagree with the elimination of private ballots when voting in union organizing elections.

The President has issued a Statement of Administration Policy that he would veto the so-called Employee Free Choice Act if it reached his desk. That should not make us complacent in the Senate. Even if a veto were necessary, Senate passage of a bill like that which was passed by the House would put us on record in future Congresses as being against private ballot elections for workers in union representation decisions, in support of Government-imposed wages, benefits, and other terms and conditions of employment through union contracts where workers themselves will be denied a ratification vote. Is that where we want to be a year or two from now? I, for one, do not believe we as a nation should head in that direction, and I urge my colleagues to resist any attempt to force unionization on the American workforce.

To paraphrase the movie ''The Godfather,'' I believe union bosses have made the American workforce a deal they can refuse. We must oppose any attempt to pass any iteration of the Employee Free Choice Act, and we must do it on behalf of the American worker.

Mr. President, I yield the floor.

EXHIBIT 1

[From Business Week, Mar. 12, 2007]

THE UNEMPLOYMENT ACT

(By Jack and Suzy Welch)

> Are you at all concerned about American competitiveness in the future?
>
> —*Srikanth Raghunathan, Irwin, Pa.*
>
> Yes. But not for the standard ''the sky is falling'' reasons, like the twin deficits, low-cost Chinese manufacturing, or intellectual property piracy. We believe those challenges will largely be ameliorated by market, political, and legal forces. No, we're as worried as can be that American competitiveness is about to be whacked by something no one seems to be talking about: the Employee Free Choice Act, which is currently weaving an insidious path through Congress toward becoming law. If it does, the long-thriving American economy will finally meet its match.
>
> You didn't read wrong. We know it must sound strange to oppose legislation that promises something as motherhood-y as ''free choice.'' But the title of this bill is pure propaganda. It won't encourage liberty or self-determination in the workplace; more likely it will introduce intimidation and coercion by labor organizers; who, after a long slide into near-oblivion, finally see a glorious new route to millions of dues-paying members. Their campaign could trigger a surge in unionization across U.S. industry—and in time, a reversion to the bloated economy that brought America to its knees in the late 1970s and early '80s and that today cripples much of European business. If you want to be reminded of what that looks like,

drive through Pennsylvania's Lehigh Valley, as we did last weekend, and take a look at all the shuttered factories. Steel—like coal, autos, and so many other industries in the global economy—paid the inevitable price of unionization run amok.

Make no mistake, We don't unilaterally oppose unions. Indeed, if a company is habitually unfair or unreasonable, it deserves what it gets from organized labor. But the problem with unions is that they make a sport out of killing productivity even when companies are providing good wages, benefits, and working conditions. It is not uncommon in a union shop to shut down production rather than allow a nonunion worker to flip a switch. Only a union or millwright electrician can do that job! Come on. Companies today can't afford such petty bureaucracy or the other excesses unions so often lead to, such as two people for every job and a litigious approach to even the smallest matters. Yes, managers and employees will sometimes disagree. But in the global economy, they have to work through those differences not as adversaries but as partners.

The Employee Free Choice Act undermines that. Here's how. Currently, when labor organizers want to launch a unionization effort, they ask each worker to sign a card as a show of support. If 30% or more employees do so, a federally supervised election can be called and conducted with one of the most revered mechanisms in democracy, the secret ballot. Thus, employees can vote their conscience, without fear of retribution from either union leaders or management.

By contrast; under the Employee Free Choice Act, organizers could start a union if 50% of employees, plus one more worker, sign cards. That's right—no more secret ballot. Instead, employees would likely get a phone call with a pointed solicitation, or worse, a home visit from a small team of organizers. You can just imagine the scenario. The organizers sit around the kitchen table and make their case, likely with a lot of passion. Then they slide a card in front of the employee with a pen. Who would say no? Who could?

Now, union supporters will tell you that they won't intimidate employees for votes, and regardless, management intimidates all the time by threatening to fire employees who vote union. But the system as it exists has safeguards, including heavy fines against companies that misbehave and automatic new elections.

Still, the advance of the Employee Free Choice Act continues unabated. And so pretty soon, if enough business leaders and legislators don't stand up, it may well be: Hello again, unions. So long, American competitiveness. The change won't happen instantly. Companies will fight unions as if their lives depend on it, because they do. But given the logistics of the Employee Free Choice Act; any management campaign is hobbled. If you can't be at the kitchen table with the organizers and their hard stares, you probably can't win.

It's too bad. In fact, its terrible. And ironic. First, because the ability to unionize already exists in America, thanks to the secret ballot. And second, because the Employee Free Choice Act ultimately only provides a free choice nobody would ever want: how to spend a government issued unemployment check.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. SALAZAR. Mr. President, I come to the Senate floor to speak about the issue of energy and the importance of this Senate and this Congress and this country moving forward with an authentic picture with respect to energy independence for our country. When I get up in the morning and think about the major issues that are facing our country, there are three issues which always come to mind.

The first is what is happening in Iraq and around the world and how we restore America's greatness and how we put Humpty Dumpty together again with respect to making sure America's greatness which we have enjoyed for the last two centuries is something we enjoy in the 21st century and beyond.

Second are the difficult and important domestic issues which we are attempting to confront today—the issue of health care and how we move forward to create a system of health insurance and health care availability for all the people of America, an issue which continues to confront us.

Third, the issue of energy and how we look forward. The issue of energy is something many of us in this Chamber and in the House of Representatives and the White House today will continue to work on, which is so important to all of us.

With respect to Iraq, we will be facing that issue here in the weeks and months ahead. I believe strongly there is unity in the United States of America in terms of our support for our troops. I believe there is a long-term desire for us to make sure what we do is establish stability in the Middle East.

I believe all of us want to make sure we are doing everything we can do to support our troops. Nonetheless, the debate will occur here on this floor this week and beyond. It is an important debate. It is a debate that involves perhaps the most important issue of our time. That is the issue of war and peace and the debate that is certainly appropriate to be held on the floor of the Senate.

With respect to health care, I am pleased with the efforts the Senate Finance Committee and the HELP Committee are undertaking, with the leadership of Senator BAUCUS and Senator KENNEDY and others, as we try to address the issue of health care. This year for sure we will move forward with a program that hopefully will expand the coverage of health insurance to the children of America. We think about 9 million children in this country today who have no health insurance. The expansion of the SCHIP program is something that is very important for all of these children across our many States who today do not have health insurance.

But the other issue, the energy issue, is one which is winding its way through our various committees in the Senate today. In the Agriculture Committee, under the leadership of Senator TOM HARKIN, we currently are looking at title 9 of the farm bill. We will have a robust law that will move us forward with a new agenda with respect to agriculture and energy.

In the Senate Energy Committee, under the leadership of Senators BINGAMAN and DOMENICI, we are working on several bills that will help us move forward toward energy independence.

In the Senate Finance Committee, under the leadership of Senator BAUCUS and Senator GRASSLEY, we have numerous initiatives on the table that will create incentives for us to have the kind of biofuels, solar energy, and the other kinds of energy that will create the new environment for us to be successful in a program on energy independence.

For me, when I think about energy, I see the dawning of a new age for my State of Colorado and also for America. It is a dawning of an age for America which we ought to embrace with vigor. It is the dawning of the age of a clean energy future for the United States of America. One year ago in my State I hosted the first Colorado Renewable Energy Summit. At the summit, there were more than 500 of us brought together to talk about our national energy policy and the energy opportunities we face in my State.

We put renewable energy in the headlines for Colorado, and we have kept energy at the top of Colorado's agenda for the past year. This last Saturday, 2 days ago, on March 24, 2007, we again summoned the people of Colorado and we had over 1,000 people who attended a summit at the Colorado Convention Center. We were joined in that summit by my colleague Senator WAYNE ALLARD, by Colorado Governor Ritter, the mayor, six Members of the U.S. House of Representatives, the president of the Colorado Senate, the speaker of the Colorado House of Representatives and, as I said, more than 1,000 people in my State who were interested in renewable energy and energy efficiency, not only for our State but for the entire country.

Because of the work we have taken on in the last year in Colorado, today we have a Colorado Renewable Energy collaboration. That laboratory is an incredible association with the National Renewable Energy Lab, the Colorado School of Mines, Colorado State University, and the University of Colorado at Boulder.

Even though the ink is not yet dry on the formation of the collaboration, these four great research institutions have already launched a world-class research program. It is called the Colorado Center for Bioresearch and Biofuels.

Colorado's private sector is moving forward, too, on a variety of different fronts. First, with respect to wind, Colorado has added over 60 megawatts of wind generation in the last 4 years. But consider what is on the agenda for 2007. In 2007, my State of Colorado will add another 775 megawatts. That is more than tripling the State's production of wind generation. That is an equivalent of the generation we get from approximately two full-fledged powerplants.

Beyond wind, we have embraced solar. Since the passage of a citizens' initiative in Colorado 2 years ago, Colorado's solar industries have seen a growth of 40 percent every year. The State's first commercial solar electricity project will be constructed in my native San Luis Valley in 2007. We moved from wind to solar to biodiesel. In 2004, there was no biodiesel produced in the State of Colorado. Today we have three plants in my State that are producing more than 30 million gallons a year, and a fourth plant is ready to start operations in the production of biodiesel.

We go beyond biodiesel to ethanol. Two years ago we had no ethanol plants in the State of Colorado. Today we have three ethanol plants that are producing 90 million gallons of ethanol, and we have a fourth plant that will come on line in 2007, adding 50 million more gallons per year, and several other plants that are in the planning stages.

That is not all. In my State of Colorado, we have moved forward with wind energy companies, with solar, photovoltaic designers, and manufacturers who are opening facilities in places such as Larimer County. Cellulosic ethanol companies, which are engaged in research and development, inform us within 2 years they will be at a point where cellulosic ethanol will be available in the commercial markets.

We have hybrid vehicle manufacturers who are doing the technology development and research in my State, hybrid and plug-in vehicle battery manufacturers, engine efficiency research companies, such as German manufacturers in El Paso County and Colorado Springs.

There is a whole lot more that is happening with respect to clean renewable energy in my State of Colorado. We have a long road ahead of us, but we have found our stride and we know the destination. We want America to be the world's center for renewable energy research, for development and for production. I want my State to play a significant role as we embrace that agenda.

Let's be clear about what is happening with respect to energy in the United States of America. Some of us need to remind ourselves it was not so long ago when President Nixon and then President Carter later on said we needed to embrace a new ethic of energy independence. This was in the 1970s, some 35, 40, 45 years ago when we were talking about the importance of energy independence, frankly, because of the economics that were driving it at the time. There was great concern with respect to the formation of OPEC and with respect to the volatility of markets that could disrupt the American economy.

We see what happened in response to the leadership in the 1970s where there were great investments made in technologies that would look at alternative fuels that would power our homes and cars in this country. But the driver of economics went away when the price of oil dropped to around $20, $21, $22, $23 per barrel. Over this last year, we saw the price of oil get up to $60 and $70 per barrel, and we saw the price of a gallon come up to $3 a gallon, in some places more than $3.50, $3.60 a gallon, the price of diesel following the same path. It became apparent at the time the economic driver was not the only significant driver here.

Mr. President, may I inquire as to the amount of time we have in morning business?

The ACTING PRESIDENT pro tempore. We have 7½ minutes remaining.

Mr. SALAZAR. May I inquire of my friend from West Virginia as to whether he planned on using any of the time in morning business.

Mr. BYRD. Mr. President, I do have an amendment, and I will speak to that amendment.

The ACTING PRESIDENT pro tempore. If the Senator from West Virginia does have not objection, we will allow the Senator from Colorado to finish his remarks, and then we will recognize the Senator from West Virginia.

Mr. BYRD. Very well.

Mr. SALAZAR. Mr. President, so I am clear on my time, I have about 7 minutes in morning business allocated to me under the current order?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. SALAZAR. Mr. President, let me continue with respect to the comments I was making concerning the issue of energy.

If you think about the 1970s and the 1980s, it was the economy that was at the root of what we were trying to do to develop solar energy and wind energy and looking at biofuels and the like. A lot has changed in those times. There is tremendous interest and a tremendous amount of energy being spent in each of our committees here in the Senate and the House of Representatives and in the White House and the Department of Energy on a clean energy future for America.

Some people will ask the question today: Well, is this another short-lived agenda in the same way it was in the 1970s and the 1980s? When you look at the charts and you see what we were investing in clean energy technology back in the 1970s and 1980s, it was significantly higher than what we are investing in the 1980s and the 1990s and the early 2000s.

I submit that things have changed because the drivers today are not only the economic drivers of our time. Today when we look at the energy issues we face in our world, it is not just about the volatility of the energy markets we see around the world and here in the United States, there are two other drivers that are equally as important. The first of those drivers has to be our national security. When you think about the fact that today we are importing about 60 percent of our oil from foreign countries, in the next 10 to 15 years, if projections continue the way they are, and growth continues the way it is expected to continue, we will be importing 70 percent of our oil from foreign countries.

If that occurs, then we will continue to compromise the foreign policy, the national security of this Nation in a manner none of us should ever allow to happen. In fact, it would be a dereliction of duty for this Congress, for the Senate, and for this country to allow that to happen.

In the latest skirmish with Israel and Lebanon, one has to ask the question about where that money was coming from that was funding the militia group of Hezbollah in its firing of nearly 10,000 rockets into the northern city of Haifa in northern Israel. One has to ask that question, where was the money coming from that would fund the 10,000 members of that militia group called Hezbollah in Lebanon and other places around the world?

Well, we do not need to look very far for the answer to that question. You and I know—you as the Presiding Officer are well aware of the security interests here in our country—very well that the money creating and funding the terrorist groups in places such as Lebanon is coming from oil. It is coming from oil we are paying $60 and $70 a barrel for today.

So the very national security of our country requires us, it demands of us, and we can do no less than to move forward with an agenda that grasps the imperative of energy independence in our world. That energy independence will come about with great opportunities as we look at a clean energy future for America. We will be able to derive jobs and create the kind of national economic security we need in the United States of America.

The final driver is the issue of global warming. The debate is about whether global warming is an issue that needs to be confronted in the United States of America, the debate that was being held several years ago. But I would imagine most people in the United States of America today are saying it is important for us to confront this issue.

In fact, as we are opening this day in the Senate, Senator BINGAMAN and Senator DOMENICI are holding a hearing with members of the European Union on the issue of global warming. Things have changed. Things have changed from the 1970s and the 1980s and the 1990s when America slept, and the only factor that was driving us to energy independence was the volatility of the markets.

Today the driver is national security. We cannot afford to compromise our national security by continuing to be overdependent, by continuing our current addiction to foreign oil. We cannot afford to ignore the issue of global warming that threatens the future of civilization. How we approach those issues and how we develop solutions that bring us to a positive movement forward is very important.

The issue of energy is one that can bring America together. To be sure, the last 6 years have seen a divided America on many issues, including Iraq. Energy can bring together Democrats and Republicans, progressives and conservatives, much as the Energy Futures Coalition has done in working with all of us. We crafted legislation that we call Set America Free. It is my hope that by the time the Senate finishes for the year or before we begin the August recess, we will have legislation that is bipartisan in nature, that will move us forward with a new energy future for America. That energy future will be one that is bound by a vision of a clean energy future that includes renewable energies, new technologies, and that goes after the low-hanging fruit of energy efficiency and addresses the issue of global warming.

I ask unanimous consent that a portion of a speech I gave at an energy summit in Colorado be printed in the RECORD.

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

COLORADO NEW ENERGY SUMMIT—2007

This is the dawning of a new age for Colorado and America—this is the dawning of the age of America's clean energy future!

One year ago, we hosted the first Colorado renewable energy summit. That 2006 Summit brought more than 500 of us together to talk about our national energy policy and Colorado's energy opportunities. We put renewable energy in the headlines for Colorado, and we've kept energy at the top of Colorado's agenda for the past year.

This Saturday, March 24, 2007, over one thousand people from Colorado joined us for Colorado's New Energy Summit. We were joined by two United States Senators, the Colorado Governor, the Mayor of Denver, six Members of the U.S. House of Representatives, the President of the Colorado Senate, the Speaker of the Colorado House of Representatives . . . and more than one thousand Coloradans who want more renewable energy, improved energy efficiency, and greater energy independence.

One year ago, we talked about attracting more energy research projects and more energy entrepreneurs to Colorado. Today, we have the Colorado Renewable Energy Collaboratory, an incredible association of the National Renewable Energy Lab, the Colorado School of Mines, Colorado State University and the University of Colorado at Boulder. And even though the ink is not yet dry on the Collaboratory Agreement, these four great research institutions have already launched a world class research program: the Colorado Center for Biorefining and Biofuels—C2B2.

And Colorado's private clean energy sector is taking off, too.

Wind

Colorado has added 60 megawatts of wind capacity in the last two years.

And by the end of 2007, we will add another 775 megawatts, more than tripling the State's production of wind power to more than 1,000 megawatts.

Solar

Since the passage of Amendment 37, Colorado's solar rooftop industries have seen growth of 40% per year.

And the State's first commercial solar electricity project will be constructed in the San Luis Valley in 2007.

Biodiesel

In 2004, there was no biodiesel produced in Colorado.

Today, we have three plants producing more than 30 million gallons a year, and a fourth plant ready to start operations.

Ethanol

Two years ago, there were no ethanol plants in Colorado.

Today, three plants produce more than 90 million gallons per year, and a fourth plant will come on line in 2007, adding another 50 million gallons per year.

And that's not all. We have locally based:

Wind energy companies

Solar photovoltaic designers and manufacturers

Cellulosic ethanol companies, engaged in R&D and preparing to build biorefineries

Hybrid vehicle manufacturers

Hybrid and plug-in vehicle battery manufacturers

Engine efficiency research companies

And that's only the beginning.

Colorado's clean, renewable energy economy is on the move.

We have got a long road ahead of us, but we have found our stride and we know our destination: Colorado will be the world's center for renewable energy research, development and production.

AMERICA'S ENERGY CHALLENGES

We have come a long way in the past year, and we should be proud, but we must be realistic about the energy challenges that face us as a Nation and world.

ENERGY SECURITY AND INDEPENDENCE

First, energy policy is at the heart of our national security. The United States continues to import much more oil than we produce. Nearly two-thirds of our oil supplies come from abroad. And much of that oil, comes from unstable and even politically hostile regions. Our deep dependence on foreign oil means that our national security is constantly at risk. Our oil supply lines are long and fragile. Even worse, our dependence on foreign oil means that we're sending hundreds of billions of dollars overseas, much of which flows to regimes that are hostile or corrupt or both. Indeed, we are funding the very regimes that threaten our interests. It is foolish to think we can control our Nation's security if we can't control our energy lifelines.

It may be decades before we get the majority of liquid transportation fuels from renewable sources, but that doesn't mean renewables can't make a significant difference immediately. We produced nearly five billion gallons of ethanol in 2006, biodiesel is on the rise and cellulosic biofuels will be in commercial production by 2009. We can also look to other current or emerging technologies—hybrids and plug-in electrics—to reduce our thirst for oil.

There are a lot of good reasons to turn to renewable energy, but I start with this one: the most effective step to increase our national security in the twenty-first century is to reduce our dependence on foreign oil.

ENERGY AND ECONOMIC SUSTAINABILITY

The second energy challenge that we face is economic. We're not going to run out of oil any time soon, but we're going to run out of cheap oil. Oil from new reserves and alternative sources, like the deep Gulf of Mexico reserves and Canadian tar sands, will cost much more to find, to extract and to refine. On top of increased costs, we are going to see increasing competition from the rapidly growing economies qf China and India and other developing nations. That means demand pressures on top of supply pressures.

And it is not just our cars and trucks that run on oil—much of our current economy depends on oil and natural gas. We heat with it, we produce lubricants and fertilizers and commercial chemicals with it, and we make plastics and fibers and construction materials from it. The economic competitiveness of our economy will be determined in substantial part by how we cope with increasing energy costs. In coming decades, those economies that develop reliable, affordable sources of energy will thrive. Those economies that remain dependent on imported oil and gas will suffer.

But, there is also an economic opportunity. There is money to be made in creating new energy technologies, and there is money to be made in using them. America has led the world in developing renewable energy technologies, but we have lost much of our advantage because other nations have been much better at implementing those technologies. Solar energy, wind energy, biofuels—most of these technologies were originally developed here, but other nations have surpassed us in manufacturing or implementing these technologies. We should admire the Japanese and the Germans for their solar photovoltaics, the Israelis for concentrating on solar power, the Danes and Germans for their advances in wind technology, and the Brazilians for their ethanol, but there is no reason for us to import their technology when we can manufacture this equipment right here in America.

ENERGY AND RURAL AMERICA

I believe our economic future depends on our ability to create the energy technologies of tomorrow.

Nowhere is this more true than in rural America. With the advent of new energy technologies—including biofuels, wind and solar—rural America can become not only our food basket, but also our energy basket. At a time when we have record trade deficits and much of rural America is struggling economically, we should be investing in renewable energy from our farms and ranches instead of importing foreign oil.

And let me point out that all our energy does not have to come from 500 megawatt electric power plants or 100 million gallon a year ethanol plants. Big centralized plants will always have their place, but much of our energy can come from smaller production plants, whether it's a small wind farm or a community-owned biodiesel plant. Distributed generation of electricity and biofuels will play a major role in our energy future, and much of that energy production will benefit rural America, both by creating new sources of income and by reducing the cost of locally produced and locally used energy.

GLOBAL WARMING

The two drivers of national security and economic challenges and opportunities drive us toward a renewable energy and energy efficiency future. But there is a third driver, just as compelling: global warming. Average temperatures are rising, glaciers and sea ice are melting, and the overwhelming majority of scientists agree that our use of fossil fuels is a significant part of the problem.

There is no single solution to this crisis, no silver bullet. But there are lots of options that will contribute to a solution, including technologies and investments that increase energy efficiency and conservation. Currently available technologies, like fuel-efficient cars and compact fluorescent light bulbs, reduce energy consumption. Biofuels replace billions of gallons of gasoline and diesel, and biofuels reduce the net amount of greenhouse gas emissions because next year's crop will capture the emissions from this year's fuels. Once installed, solar and wind technologies produce electricity without generating any carbon dioxide.

And new technologies may enable us to use some fossil fuels without contributing to

global warming. IGCC—integrated gasification combined cycle—power plants, for example, may allow us to capture the carbon dioxide in coal before it is released to the atmosphere, so that the CO_2 can be used or can be sequestered deep underground.

With creativity and commitment, there are many actions that we can take that will substantially reduce greenhouse gas emissions and help to turn the tide of global warming.

Countless generations of human beings have in my State enjoyed this beautiful planet. But it is not certain that our grandchildren and great grandchildren will be able to enjoy snowcapped peaks, mountain streams, Colorado skiing, lush green forests and fields of grain. If we want them to see and enjoy Colorado's beauty and enjoy our State's natural resources, then we need to act—now. And what is true for Colorado is true for the Nation. Those of us who walk the Earth today are not solely responsible for the fact of global warming—the roots of this crisis go back to the Industrial Revolution—but it falls to us to do something about it. We must not fail.

The three great energy challenges that confront us at the dawn of the 21st century are daunting—national security, economic sustainability and the future of our planet. But we know we can and will confront these challenges. And part of the solution to each of these challenges lies in renewable energy and efficiency and other clean energy technologies. For the past 25 years, America has lacked the consistent political leadership and public commitment to pursue these new technologies, but their time has come and today we can unite America in the spirit of bipartisanship to confront these challenges.

STATE AND LOCAL LEADERSHIP

Much of the leadership in the areas of renewable energy and energy efficiency has come from local and state efforts. In November, 2004, the people of Colorado were the first in the Nation to enact a renewable energy standard by popular vote with the adoption of Amendment 37. Our General Assembly and our new Governor have taken up the baton and carried it forward with exciting new programs that will expand wind and solar power in Colorado. Other states have done the same.

ENERGY IN THE 110TH CONGRESS

So I applaud and encourage this kind of state and local leadership, but the ultimate success of our new energy policy and our new energy economy will also require national leadership in this 110th Congress.

I am proud to be a sponsor, with Senator Chuck Grassley, of Senate Concurrent Resolution 3 to adopt 25 25 as a national goal. Many of you know about this initiative. The goal is to produce 25% of our total energy needs from our farms, ranches and forests by the year 2025. Independent studies confirm we can achieve that goal. 25 25 makes economic sense. Achieving this goal will yield over 700 billion dollars in economic activity and create more than 4 million new jobs. A combination of energy conservation, energy efficiency and renewable energy can get us to our goal. We should establish the 25 25 resolution this Congress.

As a member of the Senate Agriculture Committee, I am also working on the 2007 Farm Bill with Senator Tom Harkin and my colleagues on that Committee. This new Farm Bill will include an expanded Energy Title that will create new programs and build upon existing programs to make the goal of 25 25 achievable. Just two weeks ago, Senator Harkin, Chairman of the Agriculture Committee, traveled to Colorado for two purposes: to visit NREL and to hold a Committee hearing on the Farm Bill. Senator Harkin and I agree that good farm policy means good energy policy in this new world.

I am also enthused by Senator Max Baucus and my colleagues on the Finance Committee as we do our part to address the energy challenges of our time. I have introduced a series of bills that will help us I produce more renewable energy, adopt more energy efficient technologies and combat global warming.

Senate Bill 672 is the Rural Community Energy Bonds Act. I support our big wind farms, but we need a lot of small wind farms, too, and we need a lot of small biomass and solar and other renewable energy projects. This bill will allow small renewable energy projects with at least 49 percent local ownership to qualify for tax-exempt bonds. That will make it easier for locally and community owned renewable energy projects in rural and small town America to find investors. And local ownership means that more of the profits from those projects will stay on Main Street in Colorado's small towns.

I have also introduced the Rural Wind Energy Development Act, Senate Bill 673. This bill will create a tax credit for every residential wind turbine installed and will also allow for accelerated depreciation on those turbines. For turbines under 100 kilowatts, there's a tax credit of $1,500 for each half-kilowatt of generating capacity. As I said earlier, we need more distributed generation, and this bill will help us develop it.

I am also working on several other bills to encourage renewable energy production and energy efficiency investments. The Securing America's Energy Independence Act will extend the energy tax credit for solar technologies and for residential energy efficiency improvements through 2016. If we want manufacturers to build these technologies and we want homeowners to buy them, we need to create reliable incentives that encourage planning and investment.

I am also proud to co-sponsor the DRIVE Act with Senator Bingaman and nearly 30 co-sponsors, with equal numbers of Republicans and Democrats. The Drive Act stands for Dependence Reduction through Innovation in Vehicles and Energy. This bill, Senate Bill 339, and other related legislation, will reduce oil consumption by 25% by 2025, impose Federal fleet conservation requirements, support research on electric vehicles, require the Federal government to purchase 15% of its electricity from renewable sources by 2015, and would phase-out incandescent light bulbs in favor of more energy efficient technologies. I am hopeful that this bill will pass in this Congress.

I'm also working with other members of the Senate Energy and Natural Resources Committee to draft a bill to require the use of 30 billion gallons of renewable fuels by 2020, to increase the funding for bioenergy research and development, and to offer financial support for renewable fuel production facilities, including cellulosic biofuel plants and biorefineries.

We should all recognize that we are going to be dependent on fossil fuels for a significant portion of our energy for the next several decades, so I'm sponsoring legislation to conduct a national assessment of our carbon sequestration capacity. As we continue to burn fossil fuels, we must find a way to reduce the volume of carbon dioxide released into the atmosphere. IGCC technology can achieve its promise only if we can effectively sequester the carbon dioxide that's captured.

CONCLUSION

Together, the 110th Congress can lead our State and our Nation to a new energy future.

Mr. SALAZAR. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1591, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 641

(Purpose: An amendment in the nature of a substitute)

Mr. BYRD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 641.

Mr. BYRD. I ask unanimous consent that 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. BYRD. Madam President, today we take up a supplemental bill to fund our troops in the field, to send a strong message about the direction of the war in Iraq, to improve the veterans and defense health care system, to help the victims of Hurricane Katrina rebuild, to secure the homeland, and to provide emergency relief to farmers impacted by major drought and freezes. We are now in the fifth year—the fifth year—of the war, this terrible war.

I was against it. I voted against it. We are there. We are now in the fifth year of the war in Iraq. The debate about the war has deteriorated into a series of buzz words—preemptive war, mission accomplished, exaggerated intelligence, inadequate body armor, and surges—and on and on. Our job in the Senate is not to look backward but to look forward.

The Constitution clearly gives the Congress the power—yes, it does; it clearly gives the Congress, us, the power—to decide when this Nation should go to war, and it gives Congress the power of the purse, money. Money talks. Funding such conflicts is the responsibility of the Senate Appropriations Committee, the Senate Appropriations Committee. The buck stops here, and don't you ever forget it, the

Senate Appropriations Committee. Because of that power over the purse, it is certainly our duty to debate the future of the war in Iraq.

The bill before the Senate includes a provision that would give the war a new direction, and it points the way out—out, out—of the civil war in Iraq. There is no restriction on funding for the troops—no restriction on funding for the troops. We fully fund the needs of the troops. We do that, yes. In fact, the bill provides more funds than the President requested for the Department of Defense, with an increase of $1.3 billion for the defense health care system, $1 billion for equipping the Guard and Reserve, and $1.1 billion for military housing.

The language in the bill narrows the mission of our troops in Iraq, keeps pressure on the Iraqi Government to meet benchmarks on national reconciliation, requires the President—yes, hear me now; requires the President—to send Congress a phased redeployment plan. It sets a goal for the redeployment of most of the U.S. troops from Iraq by March 31, 2008.

This country was not attacked by Iraq on 9/11. There was not a single Iraqi, not one, involved in the devastation in New York, Washington, and Pennsylvania on that fateful day. According to our own Government, the perpetrators of 9/11, Osama bin Laden and his organization, are alive today and rebuilding in Afghanistan and Pakistan at this moment, as I speak, so help me God. Language in this bill would allow the President to refocus our military and our intelligence on the terrorists who actually attacked us on 9/11.

During the debate on this bill, assertions will be made, yes, that it is inappropriate to add to this bill funding to meet domestic needs. In fact, the White House has claimed that efforts to add funding for our veterans, for Katrina victims, and for homeland security will hold hostage the funds for the troops. What nonsense—hear me—nonsense. Just more buzzwords.

In fact, funding for the war is not the only critical need worthy of supplemental funding this year. The war must not obliterate every other concern. Last week, the Director of the Office of Management and Budget, Rob Portman, said the President would veto the bill if the Iraq language and additional spending remain in the bill. He said:

> We're disappointed the Senate is allowing politics—
>
> humbug—
>
> to interfere with getting needed resources to our troops.

Politics? Politics? I ask the Senate, is it politics to ensure that the VA has a health care system that can provide first-rate care for the wounded? Is it? No. It is a moral imperative—yes, a moral imperative.

Is it politics to provide critical resources to help the gulf region rebuild after Hurricane Katrina? Is it? Is it politics? No, it is not politics. It is compassion—compassion.

Is it politics to help rural America recover from drought and freeze? Is it? No. It is common sense, do you hear me, common sense and good economics.

This bill meets some of the most urgent needs of our country. It includes $1.7 billion to ensure that the VA has the resources it needs to help the brave men and women wounded in the war. The VA needs resources in order to provide first-rate care to profoundly wounded, terribly wounded, horribly wounded soldiers. We are morally bound—hear me; yes, we are morally bound, aren't we, to care for our wounded troops. This is not politics. No. Shame. This is not politics; it is common decency.

This bill also includes $3.3 billion above the administration's request for the victims of Hurricanes Katrina, Rita, and Wilma. The President proposes to pay for the increased costs of repairing the existing levees in Louisiana by cutting the funding that Congress provided to improve the capacity of the levees to protect New Orleans from future hurricanes. Shame. That makes no sense.

The bill provides new resources to repair the levees. We will not follow a nonsensical strategy of repairing the existing levee system that failed during Katrina by cutting funding already appropriated for actual improvements to the levee system. We will not. We also include funding for health and education, for law enforcement, and for transit systems in the gulf region to help rebuild, to bring people back to work, and to bring the region back to life. Not politics, just plain old common sense.

The bill includes $4.2 billion for agricultural disaster relief. The agricultural economy has been hit with drought and freezes. In 2006, 69 percent of all counties in the United States were declared primary or contiguous disaster areas. Fourteen States had 100 percent of their counties declared disaster areas by the Department of Agriculture.

I commend Senator DORGAN and Senator FEINSTEIN and Senator BOND for their hard work on this disaster package.

Madam President, I ask unanimous consent that a letter from California Governor Arnold Schwarzenegger requesting agricultural disaster assistance be printed in the RECORD.

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

FEBRUARY 8, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, Washington, DC.
Hon. THAD COCHRAN,
Ranking Member, Committee on Appropriations, Washington, DC.

DEAR MAJORITY LEADER REID, CHAIRMAN BYRD, SENATOR MCCONNELL AND SENATOR COCHRAN: As you prepare to begin work on the Emergency Supplemental to fund vital government programs, I implore you to include the Emergency Farm Assistance Act of 2007. The Farm Assistance Act provides much needed relief to California's multi-billion dollar agricultural industry, which has suffered devastating losses due to the recent record setting freeze, as well as the extreme heat wave in 2006 and flooding in 2005.

As you know, on January 11, 2007, an arctic air mass moved into the state and extreme cold air conditions pushed nighttime temperatures to record and near record lows throughout the state for the next 8–10 days. These extreme weather conditions had a devastating impact on California's agricultural industry, exacting catastrophic losses on our citrus, avocado, vegetable and strawberry crops. Agriculture plays a central role in our local economies, and as a result of the freeze, many farm communities and related businesses have suffered massive losses. To provide immediate relief, I directed state agencies to make state facilities available to local agencies for use as warming centers. We also contacted agricultural associations to ensure that growers were aware of cold weather, so that appropriate protective actions could be taken.

In response to these dire events, I directed the execution of the State Emergency Plan. In accordance with Section 401 of the Stafford Act, on January 12, 2007, I proclaimed a state of emergency for all 58 California counties. I also issued additional proclamations to specifically address the impacts of the freeze on the agricultural industry, small businesses and individuals in an effort to expedite federal assistance to the counties that were hardest hit. I have since requested that the President declare a major disaster for 31 California counties.

In spite of these significant efforts to protect crops, agricultural communities in California have sustained substantial crop losses and unknown long-term tree damage in excess of $1.14 billion. With the loss of a major portion of our agricultural crop, thousands of farmworkers and their families in impacted counties have been displaced due to job loss and loss of income. Despite the assistance farmers and ranchers are now receiving through the United States Department of Agriculture and the Small Business Administration, more aid is needed. It is clear that the full impact of this disaster will be ongoing and systemic.

The California Delegation has played a critical role in the development of the Farm Assistance Act. I applaud their bipartisan work to provide crucial assistance to our farmers and ranchers in need. To that end, I strongly support the Farm Assistance Act and its inclusion in the Emergency Supplemental. The unfolding crisis in our agricultural communities requires swift assistance and attention. California agriculture literally feeds the nation, and I urge you to include the Emergency Farm Assistance Act of 2007 as part of the Emergency Supplemental.

Thank you for your consideration of this important request.

Sincerely,

ARNOLD SCHWARZENEGGER.

Mr. BYRD. Providing agricultural disaster relief is not politics, no. It is good policy.

The bill that is before the Senate also includes $2 billion for securing the homeland. In the State of the Union, the President said:

The evil that inspired and rejoiced in 9/11 is still at work in the world. And so long as that's the case, America is still a nation at war.

Despite hundreds of innocent people being killed in train bombings in London, Madrid, Moscow, Tokyo, and Mombai, India, and despite the aviation sector remaining at a high terrorist threat level since August, the President did not request one extra dime—not one thin dime—in the supplemental for securing the homeland. This bill includes funding for purchasing explosive detection systems for our airports, for grants to help secure our rail and transit systems, and for securing our ports and borders. The money is needed now.

For 5½ years, since the attack on 9/11, this administration has raised fears of another terrorist attack. The administration has announced a high, or orange, threat level for possible terrorist attacks on eight different occasions. In every State of the Union Address, the President has stoked the fires of fear. Periodically, the Attorney General, the Secretary of Homeland Security, or the FBI Director helped to fan those flames. Yet the President consistently sends to Congress budgets for homeland security that do not reflect this perceived threat. Rather than spreading fear, the administration should be reducing vulnerabilities by doing everything it can to deter another attack. Providing funding to secure the homeland is not politics; it is an essential duty.

The President's ''rob Peter to pay Paul'' approach to funding domestic agencies has real and demonstrably severe consequences. The failed response to Hurricane Katrina proved that. The inability to provide first-class health care to our wounded veterans proved that. But we never learn.

Another important aspect of this bill is in the oversight and accountability that it mandates. For far too long—far too long—oversight has been a lost cause, yes, around this Congress. Tough questions are ditched in favor of softballs. Honest answers are buried in political spin. This legislation says ''no more.'' Real oversight is back, and it will not be denied. This legislation makes major investments in inspectors general, from the Special Inspector General for Iraq Reconstruction to inspectors general for the Department of State, the Department of Defense, and the Department of Justice. Let's hope we can begin to get the waste, fraud, and abuse in Government under control. The legislation presses forward with GAO audits of the use of these dollars as we try to put an end to the contractors' bonanza of big dollars free from the prying eyes of Congress or the public. Insisting that U.S. tax dollars are wisely spent is not politics. What is it? It is our duty. Hear me. It is our duty.

The Appropriations Committee has made careful choices. The White House assertion that spending in this bill is excessive or extraneous or political—humbug. It simply has no foundation. The committee has chosen to provide first-rate care to the war wounded, to provide resources to help the gulf region rebuild after Katrina, to improve homeland security, and to provide agricultural disaster assistance. This is a good bill. I urge prompt action on this legislation.

Madam President, I yield the floor.

Mr. COCHRAN. Madam President, this appropriations bill reported by our Committee on Appropriations responds to the President's request for supplemental funding for the Department of Defense and other departments and agencies. The bill provides $121.6 billion in emergency spending. Of this amount, $102.48 billion is provided to support Iraqi security forces to continue operations in Afghanistan and to wage the global war on terrorism. In testimony before our Appropriations Subcommittee on Defense, we were told this funding is needed by the end of April.

I am disappointed the bill contains language that sets forth a timetable for the withdrawal of troops from Iraq. The language amounts to a restatement of S.J. Res. 9, which a majority of Senators voted against, 50 to 48, on March 15. The Senate has spoken on this issue. Inclusion of this language as reported by the Appropriations Committee last week will only slow down the bill and invite a Presidential veto. We need to approve the funding now. Unnecessarily extending this debate is not going to serve the national interests. I will offer an amendment to strike this language from the bill.

In this bill, the Appropriations Committee also approved $14.8 billion for additional emergencies, including $7.9 billion for continuing the recovery from Hurricane Katrina. The affected States are making good progress, slow but steady and sure. But additional Federal resources are needed. The bill also includes $1.7 billion for veterans health care facilities, which signals the committee's continuing interest in ensuring that our veterans receive the quality care they deserve.

I applaud the chairman's goal, the distinguished Senator from West Virginia, of completing work on the bill this week. I am concerned, however, that the bill is almost $19 billion above the President's request. We need to be sure this spending is necessary and responsible. I look forward to working with my good friend from West Virginia to ensure that this is the case. It is imperative that we provide funding to our troops promptly, and it will remain my goal to put a bill on the President's desk that he can sign.

AMENDMENT NO. 643 TO AMENDMENT NO. 641

Madam President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WARNER, Mr. STEVENS, Mr. BROWNBACK, Mr. SHELBY, Mr. CRAIG, Mr. ALLARD, Mr. BENNETT, and Mr. ENZI, proposes an amendment numbered 643 to amendment No. 641.

Mr. COCHRAN. Madam 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 as follows:

AMENDMENT NO. 643

(Purpose: To strike language that would tie the hands of the Commander-in-Chief by imposing an arbitrary timetable for the withdrawal of U.S. forces from Iraq, thereby undermining the position of American Armed Forces and jeopardizing the successful conclusion of Operation Iraqi Freedom)

On page 24, strike line 16 and all that follows through page 26, line 24 and insert:

"SEC. 1315. BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—"

Mr. COCHRAN. Madam President, this is an amendment to the committee substitute which is now at the desk. The amendment will strike part of section 1315 of the bill titled ''Revision of United States Policy on Iraq.'' The majority of section 1315 of this act is a restatement of S.J. Res. 9, the United States Policy in Iraq Resolution of 2007.

Two weeks ago, the Senate voted against adopting S.J. Res. 9 by a vote of 50 to 48. Section 1315 calls for a prompt transition of the mission in Iraq to a limited mission; a phased redeployment of U.S. forces from Iraq within 120 days of enactment of this act; a goal of redeployment of all U.S. combat forces from Iraq by March 31, 2008, except for a limited number essential for protecting U.S. and coalition personnel and infrastructure, training, and equipping Iraqi forces, and conducting targeted counterterrorism operations.

Section 1315 also calls for a classified campaign plan for Iraq, including benchmarks and projected redeployment dates of U.S. forces from Iraq. Finally, it also includes an expression of the sense of Congress concerning benchmarks for the Government of Iraq, along with a reporting requirement by the commander, multinational forces, Iraq, which is currently General Petraeus, to detail the progress being made by the Iraqi Government on the benchmarks contained in this section.

This amendment does not remove the sense-of-the-Congress provision that is important to a number of Senators. I think all Senators share an earnest desire that the Iraqi Government move aggressively to undertake the measures necessary to ensure a stable and

free Iraq. The language to be removed by my amendment is essentially a restatement of S.J. Res. 9, which, as I said, on March 15 Senators defeated by a vote of 50 to 48.

Before announcing his new plan in Iraq, the President sought input from his top military and civilian advisers, along with Members of Congress, foreign leaders, and other military and foreign policy experts. He acknowledged there was no easy solution to the situation in Iraq and the Middle East, and he determined a temporary deployment of additional U.S. troops in Iraq to support Iraqi security forces would provide a new window of opportunity for Iraqi political and economic initiatives to take hold and reduce sectarian violence. This plan provides the best hope to bring stability to the country and to hasten the day when our troops will come home.

Earlier this year the National Intelligence Estimate entitled ''Prospects for Iraq's Stability: A Challenging Road Ahead,'' was delivered to the Congress. The National Intelligence Estimate indicated—and I am quoting now from an unclassified version:

> Coalition capabilities, including force levels, resources, and operations, remain an essential stabilizing element in Iraq. If coalition forces were withdrawn rapidly during the term of this Estimate—
>
> Which is 12 to 18 months—
>
> we judge that this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi government, and have adverse consequences for national reconciliation.
>
> If such a rapid withdrawal were to take place, we judge that the Iraqi security forces would be unlikely to survive as a nonsectarian national institution; neighboring countries—invited by Iraqi factions or unilaterally—might intervene openly in the conflict; massive civilian casualties and forced population displacement would be probable; Al-Qaida in Iraq would attempt to use parts of the country—particularly al Anbar province—to plan increased attacks in and outside of Iraq; and spiraling violence and political disarray in Iraq, along with Kurdish moves to control Kirkuk and strengthen autonomy, could prompt Turkey to launch a military incursion.

It is clear to me that it is in our national interests to support the President's new strategy, to help provide an opportunity for political and economic solutions in Iraq, and for more effective diplomatic efforts in the Middle East region. Of course, we know there are no guarantees of success, but according to the National Intelligence Estimate and the perspective of some of our most experienced foreign policy experts, maintaining the current course or withdrawal without additional stability in Iraq will be harmful to our national interests and to the entire region.

We need to do what we can to help stabilize this situation and bring our troops home. As a beginning point, for this strategy to work, we should show a commitment to success. I support the new initiative and urge the Senate to give it a chance to work. This does not mean we should not monitor the situation or that the plan should not be adjusted as new developments occur, but we need to let the forces move forward to brighten the prospects of stabilizing Iraq and bringing our troops home.

As Commander in Chief, the President needs our support. I support his efforts and the efforts of our troops. The Senate should provide the resources necessary to accomplish this mission, and these funds are included in this bill. Troop levels and missions need to be left to General Petraeus and his commanders who ought to have the flexibility to react to the situation on the ground in determining how to deploy troops as needed. Congress should not be tying the hands of our commanders or limiting their flexibility to respond to the threats on the battlefield.

The inclusion of unnecessarily restrictive language will ensure a Presidential veto, we are advised. In testimony before the Appropriations Subcommittee on Defense, we were told that the funding provided by this bill is needed by the end of April. We need to speed this funding to our troops, rather than slow it down by returning to a debate already settled by the Senate by a recorded vote.

Madam President, I urge the support of my amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I expect that a number of Senators will want to debate the Iraq amendment tomorrow. I look forward to a good debate on this matter.

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

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

The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wish to speak to the amendment that was laid down by Senator COCHRAN from Mississippi, an amendment to strike language from the bill that is pending before us, language that would inhibit the ability of our commanders on the ground to carry out the message we have asked them to perform in Iraq.

As we are all aware, this security supplemental is designed to provide money for the conduct of our operations in Afghanistan and Iraq. There is a timetable here. The commanders have said they need, by April 15, the beginning part of this funding so they can carry out the missions we have asked them to perform. When I was there about a month ago, this message was given to me over and over when I would say: Is there anything I can do for you: Senator make sure we get the funding without the strings attached when we need that money.

So the President requested this security supplemental appropriations bill. The House has acted. The Senate has the bill before us this week. Madam President, this funding bill will do no good if it has limitations imposed in it that prevent us from carrying out the mission, and the President has already said if language that sets a timetable for the withdrawal of our troops is included, he will be forced to veto the bill. We understand that.

It makes no sense to me that we would go ahead and pass such a bill, knowing the President will veto it, because there would be no way for us to go back and redo it all before the April 15 time, when the troops begin to need this money. Many have suggested that this is actually a slow-bleed strategy on the part of some to put a poison pill in the bill, forcing the President to veto it, knowing it means the troops would not get the money they need when they need it. I would rather like to think that this is a genuine point of view on the part of some of my colleagues who believe we should put strings attached on this funding and somehow that will provide a more clear way for us to achieve our mission. I don't understand it, but I suspect somebody could argue that.

What I would like to do is support Senator COCHRAN's amendment to simply strike this language from the bill. If the President is able to continue to carry out the Petraeus plan and we have funding to do that, we will know soon enough whether it will enable us to achieve the mission. By the summertime or thereabouts, if it appears this surge is not working, then we will know that as well.

What I cannot understand is why anybody would want to pull the rug out from under the troops just at the time it appears the President's strategy is beginning to work. When I was there, there was already cautious optimism, signs of success of the plan—nobody wants to declare success or victory, of course, but that those elements of success continue to be manifested and be reported on.

I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a piece by William Kristol and Frederick Kagan from the Weekly Standard of April 2, 2007, entitled ''Wrong on Timetables.''

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

Mr. KYL. Madam President, this piece by William Kristol and Frederick Kagan tries to take the arguments that have been offered by the opposition in favor of a timetable and demonstrate why those arguments are incorrect. The first of the arguments is that the Iraqi Government needs stimulus by us, or a threat by us, that if they don't hurry up and do what they are supposed to do, we are going to pull out. This kind of strings attached, therefore, makes some sense. They point out

the fact that, first of all, the resolution itself that was defeated in this body a week or so ago by a vote of 48 to 50, that resolution, which would have established timetables, was defeated, among other things, because the Iraqis have already gotten the message.

It is not so much about sending a message to them as it is about sending a message to our enemies and to our allies and to our own troops, which says regardless of what you do, we are going to be out by a certain date. The problem with the goals and with the specifics that are supposed to be achieved, the benchmarks, so-called, in the legislation is that it matters not how well the Iraqi Government performs; we are still going to be out by a date certain. So it is not the kind of message we want to send to the Iraqi Government and, clearly, not the kind we want to send to our enemies who simply know they have to just wait us out.

Another argument is that American forces would be able to fight al-Qaida, and we don't need to be involved in the civil war of the Iraqis. It would take a lawyer to figure that out. You are going to have to have a lawyer with every squad on patrol to figure out whether they are fighting al-Qaida or somebody else or what kind of action can be taken. It is very hard to distinguish whom you are fighting when the fighting is going on. Al-Qaida is definitely a problem. What did al-Qaida do? They went over to bomb the Golden Mosque in Samarra, which got the Shiites to decide they had to provide protection with militias, which went over and attacked the Sunnis, who then went over and attacked the Shiites and achieved the objective that al-Qaida wanted: to foment violence among different factions within the country.

Where do you draw the line against fighting al-Qaida and someone else if someone else is doing al-Qaida's bidding? It is a very convoluted proposition. Clearly, you cannot have troops there to fight one specific enemy but not another, especially when they are so difficult to identify.

Finally, some think it is too late, that we have already lost, and we might as well figure out a way to get out. I haven't heard my colleagues talk that way because, under that scenario, you ought to cut off funding today and not wait for the 6 or 8 or 10 months called for under the resolution. As I said, the Senate defeated the virtually identical provision 2 weeks ago. One of the reasons is because our military is making progress. It is finding that, for example, in Sadr City, the mayor of Sadr City essentially invited the Iraqi and coalition forces in without a shot being fired. The forces of Moqtada al-Sadr have either gone underground or disbanded. Al-Sadr himself is believed to have gone to Iran. Prime Minister Maliki has made it clear he is not going to relent against the forces of the Sadr army. He has fired the Deputy Health Minister, one of Sadr's allies. He has turned a deaf ear to the complaints of al-Sadr. He oversaw the cleaning out of the Interior Ministry, which was a stronghold that was corrupting the Iraqi police. He has worked with other coalition leaders to deploy the Iraqi units pursuant to the Baghdad security plan. Interestingly, he has also visited the sheik in Ramadi, which is the capital of Anbar Province and formally the real base of al-Qaida operations, and has gotten cooperation with the tribal leaders in that area to join us in the effort against al-Qaida and other insurgents.

All of this is demonstrating cooperation of the Government in Baghdad, clearly refuting the notion that somehow the American policy has to be to threaten the Iraqis to cooperate with us or else we will leave and the only way to do that is by expressing that through a timetable. Clearly, the Iraqi Government is cooperating, and setting arbitrary deadlines would send exactly the wrong message both to our allies and, of course, to our enemies.

We need to express the view to our allies that we will be there to protect them when the going gets tough. The enemy is not simply going to lie down and allow this plan to continue to work. They will fight back. As somebody said, there are going to be good days and bad days, but our allies need to know that we will be there in the bad days and that we won't set an absolute deadline for getting out.

The other point I made earlier is the services need this supplemental appropriations bill, and that is why it is necessary for us to strike provisions of section 1315, provisions which would deny that funding without the strings that are attached.

To this point, I also alluded to the fact that section 1315 is internally contradictory and self-defeating. As I said, it provides benchmarks for the Iraqi leaders to meet and then says it doesn't matter whether they meet them, we are out of here. The resolution would not send any message that is constructive in any way and certainly is not changing the behavior of the administration.

There are some who might believe they could support section 1315 because it is less restrictive than the House language. Indeed, it is somewhat less restrictive, although essentially a distinction without a difference.

This bill has to go to conference. There has been a great deal of discussion by pundits and others that the more liberal element in the House of Representatives is going to insist upon, at a bare minimum, the language that passed the House of Representatives which they felt was too moderate to begin with. We are likely to get change in a conference that is language the President will have to veto, language which is closer to the House language than the Senate language. I think, therefore, Senators should not be acting under the illusion that we can go ahead and pass this language and make sure that either in conference everything gets taken out or at least this language, rather than the more difficult House language, will be what is sent to the President.

The reality is these are real bullets. This is not something with which to play around. I don't think we can be voting for something just because maybe in the conference committee we can try to make it a little bit better.

Madam President, I wish to get to this point that will, perhaps, put this in perspective. I can't remember another time in history when the United States in the middle of a war has set a deadline and basically told the world: We will be out by this specific date. To state the proposition is to illustrate how odd and destructive a proposition it is. If someone can come to the floor and tell me when this has been done in the past and when it has had a salutary effect on the conflict, I would be very interested and would certainly be willing to listen to how that might have a positive effect here. But even colleagues on the other side of the aisle several months ago expressed themselves on the matter of timetables and deadlines, and they know who they are; they acknowledge this is not the way to fight a war. One thing you cannot do is tell the enemy when you are going to be leaving because it simply allows the enemy to wait you out. Nothing has changed. That fact still remains, and it seems almost inconceivable to me that Members now would be deciding it is now OK to set a deadline and to set timetables.

Some might argue that it is just a goal, it is not a timetable. But the reality is there are both embodied in this section which we seek to strike. The beginning phrase is, ''The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of enactment of the act.'' That is not a ''maybe,'' it is not an ''if everything goes well'' or ''if everything doesn't go well,'' it is a ''shall commence'' redeployment. The goal is ''with the goal of redeploying by March 31, 2008,'' but the ''shall commence'' is pursuant to that goal. So you have to start it, and then you keep going, and your goal is to get it done by March 31, 2008. The only exception is for the limited purposes of leaving troops behind to protect our infrastructure and coalition personnel, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

How do you decide how many troops you need to leave behind to conduct targeted counterterrorism operations when virtually everything we are doing in Iraq right now is counterterrorism? How do you decide we are going to be able to cut, say, in half the number of troops and still be able to effectively conduct targeted counterterrorism operations? If you are driving down a street to conduct a targeted counterterrorism operation and somebody begins firing on you, do you have to ask them whether they are a terrorist before you can return fire? Do you turn

to your lawyer sitting in the humvee with you: I want to comply with the law, so can I shoot back or not?

This is ludicrous. We cannot impose these kinds of conditions on our troops in the middle of combat and expect them to perform their mission safely. We send the best trained and best equipped troops into harm's way, and we need to give them the other tool they need to prevail; that is, the ability to carry out their mission as their commanders have defined it for them, not as it is micromanaged by a bunch of lawyers in Washington or Members of the Congress.

So, No. 1, this isn't just a wish that we redeploy. It begins ''shall commence the phased redeployment not later than 120 days after the date of enactment of this act,'' and the goal is to have it all done by March 31 of next year. That is so destructive in the middle of war that I just can't believe my colleagues would actually contemplate doing that or that they can believe putting these kinds of limitations on our troops is a realistic way to fight a war—conducting targeted counterterrorism operations but not returning fire against, what, against somebody defined as an insurgent, maybe? I don't understand it, and I don't know how many lawyers it is going to take to understand it. Our troops on the ground who are in the middle of a conflict certainly are not going to be able to fight and defend themselves under restrictions such as these, which is, I gather, precisely why the President says he will have to veto it.

That gets me to my last point. I can understand why, Madam President, if you felt this was a lost cause, you would want to just say: Let's have a vote to get out and be done with it and not fund the troops. But instead, there are some—and I am not suggesting in the Congress but there are some who have talked about this as a very clever strategy. They say the opponents of the President and the Congress are going to be able to say they voted to support the troops because they voted for a supplemental appropriations bill for that purpose, knowing all along, however, that it is a false exercise because it puts restrictions on the troops fighting the war that they can't possibly live with, so the President has to veto it. But he will get the blame, not them.

Well, that is too clever by half. The American people understand this. I urge, if any of my colleagues are considering supporting this for that reason, that they fail to appreciate that the American people, yes, would like to bring our troops home, they would like to see this conflict ended, but, no, they do not want it to end with an American defeat. They do not want to see us defeated and, most especially, I can't imagine anybody who wants to have our troops continue the war for a limited duration of time under rules which put them in great danger, which is what this would do. So the President has to veto it.

What happens when he vetoes the bill, if this is the form in which we pass it? We are now beyond April 15, the time the troops need the money, and yet Congress has still not acted to provide the security supplemental funding. The Defense Department now has to terminate contracts so they can switch money from this account over to this account and begin a very costly and time-consuming process of trying to make do while Congress makes up its mind, to make sure they can get the money to the troops so they can continue their operations.

Maybe secretly there are some out there who hope all of this will gradually reduce the ability of the troops to perform their mission so that it becomes a proposition where our strategy, even under the best of circumstances, can't succeed. In other words, the Petraeus plan fails because we couldn't get the support to the troops when they needed the support.

I hope that certainly my colleagues in the House and Senate will not buy into that proposition, will not pull the rug out from under our troops just when it appears this plan is showing signs of success. That slow-bleed strategy would not only ensure that we would lose everything we have gained so far, including the prospect of a success, but that our troops would be put in more danger now than they would be either by supporting them or simply by leaving. It would leave them in a middle ground, in the middle of a fire but without the ability to properly defend themselves.

Maybe some believe that would force our hand and just bring them home anyway, acknowledge defeat, and be done with it. I don't think that is what the American people want. If anybody is thinking that is the strategy behind this proposition, I think they are not only misreading American public opinion but do not have the best interests of our troops in mind.

Since that is the rationale behind this resolution, as offered by my colleagues, I am sure that is not the case. But that is why we need to strike this particular section from the bill.

We will talk later about some other items that need to be stricken as well. It is amazing to me, and I won't get into all the pork that is in this bill, but here we have a security supplemental, emergency funding to support the troops, and we decide to lard it up with all manner of items that are not emergencies, have nothing to do with supporting the troops, but because everybody knows this is a must-pass bill, they figure this is a real good opportunity for them to get things in the bill that might otherwise be very difficult to pass in the Congress.

Just a couple ideas: $3.5 million related to guided tours of the U.S. Capitol. I am all for guided tours of the U.S. Capitol, but is this an emergency?

There is $13 million for mine safety research. I am sure mine safety is important to research. Is this an emergency which can't be put in a regular appropriations bill?

We are targeting funding for sugar beets. I presume I like sugar beets—I am not sure—but I don't think it is an emergency for which we need to spend $24 million.

There is another $3 million funding for sugarcane, which I understand goes to one Hawaiian cooperative.

Here is something which would appeal to all the politicians: $100 million for security related to the Republican and Democratic Presidential nominating conventions. Is that next month, Madam President? I have forgotten. Nominating conventions would be in July and August, not of this year but the following year—not exactly an emergency we need to fund in an emergency security supplemental to conduct this war.

Do my colleagues hear what I am saying? Politicians have decided this is a good train to get on board because it has to move, we have to fund the troops. Since it is hard for us to get the Senate and the House to act on these items otherwise, we will just try to attach them to this bill.

We will have other amendments to try to remove these extraneous matters from this funding bill. But what I wanted to talk about today was primarily my concern that if we don't strike this section which has the timetables for withdrawal, then one of two things is going to happen: Either the President vetoes the bill and it then takes us forever to get a clean bill to the President, with the result that the troops don't have the funding they need and the strategy that is currently working becomes a self-fulfilling prophecy for those who say it can't work because they have denied the funds for it to work, or these provisions remain and, of course, it is impossible to conduct operations with these strings attached for our troops. Either way, it is a heck of a way to fight a war. And it illustrates to me that we ought not try to micromanage this conflict from the Halls of Congress. We have plenty of other things that should occupy our time than developing a strategy and the rules of engagement for fighting a war when we have perfectly good people, such as General Petraeus who was unanimously confirmed by this body, to develop a plan and see to it that it is properly executed. We have sent him over to do it. I suggest we give him and his troops the support they need to get the job done.

I would support the amendment of the Senator from Mississippi to strike this section from the bill.

Madam President, I yield the floor.

[From the Weekly Standard, Apr. 2, 2007]

WRONG ON TIMETABLES

(By William Kristol and Frederick W. Kagan)

Let's give congressional Democrats the benefit of the doubt: Assume some of them earnestly think they're doing the right thing to insist on adding to the supplemental appropriation for the Iraq war benchmarks and

timetables for withdrawal. Still, their own arguments—taken at face value—don't hold up.

Democrats in Congress have made three superficially plausible claims: (1) Benchmarks and timetables will ''incentivize'' the Maliki government to take necessary steps it would prefer to avoid. (2) We can gradually withdraw over the next year so as to step out of sectarian conflict in Iraq while still remaining to fight al Qaeda. (3) Defeat in Iraq is inevitable, so our primary goal really has to be to get out of there. But the situation in Iraq is moving rapidly away from the assumptions underlying these propositions, and their falseness is easier to show with each passing day.

(1) The Iraqi government will not act responsibly unless the imminent departure of American forces compels it to do so. Those who sincerely believe this argument were horrified by the president's decision in January to increase the American military presence in Iraq. It has now been more than ten weeks since that announcement—long enough to judge whether the Maliki government is more or less likely to behave well when U.S. support seems robust and reliable.

In fact, since January 11, Prime Minister Nuri al-Maliki has permitted U.S. forces to sweep the major Shiite strongholds in Baghdad, including Sadr City, which he had ordered American troops away from during operations in 2006. He has allowed U.S. forces to capture and kill senior leaders of Moktada al-Sadr's Mahdi Army—terrifying Sadr into fleeing to Iran. He fired the deputy health minister—one of Sadr's close allies—and turned a deaf ear to Sadr's complaints. He oversaw a clearing-out of the Interior Ministry, a Sadrist stronghold that was corrupting the Iraqi police. He has worked with coalition leaders deploy all of the Iraqi Army units required by the Baghdad Security Plan. In perhaps the most dramatic move of all, Maliki visited Sunni sheikhs in Ramadi, the capital of Anbar province and formerly the base of al Qaeda fighters and other Sunni Arab insurgents against his government. The visit was made possible because Anbar's sheikhs have turned against al Qaeda and are now reaching out to the government they had been fighting. Maliki is reaching back. U.S. strength has given him the confidence to take all these important steps.

(2) American forces would be able to fight al Qaeda at least as well, if not better, if they were not also engaged in a sectarian civil war in Iraq. The idea of separating the fight against al Qaeda from the sectarian fighting in Iraq is a delusion. Since early 2004, al Qaeda in Iraq (AQI) has sought to plunge Iraq into sectarian civil war, so as to critically weaken the government, which is fighting it. AQI endeavors to clear Shiites out of mixed areas, terrorize local Sunnis into tolerating and supporting AQI, and thereby establish safe havens surrounded by innocent people it then dragoons into the struggle. Now, heartened by the U.S. commitment to stay, Sunni sheikhs in Anbar have turned on AQI. In response, AQI has begun to move toward Baghdad and mixed areas in Diyala, attempting to terrorize the locals and establish new bases in the resulting chaos. The enemy understands that chaos is al Qaeda's friend. The notion that we can pull our troops back into fortresses in a climate of chaos—but still move selectively against al Qaeda—is fanciful. There can be no hope of defeating or controlling al Qaeda in Iraq without controlling the sectarian violence that it spawns and relies upon.

(3) Isn't it too late? Even if we now have the right strategy and the right general, can we prevail? If there were no hope left, if the Iraqis were determined to wage full-scale civil war, if the Maliki government were weak or dominated by violent extremists, if Iran really controlled the Shiites in Iraq—if these things were true, then the new strategy would have borne no fruit at all. Maliki would have resisted or remained limp as before. Sadr's forces would have attacked. Coalition casualties would be up, and so would sectarian killings. But none of these things has happened. Sectarian killings are lower. And despite dramatically increased operations in more exposed settings, so are American casualties. This does not look like hopelessness.

Hope is not victory, of course. The surge has just begun, our enemies are adapting, and fighting is likely to intensify as U.S. and Iraqi forces begin the main clear-and-hold phase. The Maliki government could falter. But it need not, if we do not. Unfortunately, four years of setbacks have conditioned Americans to believe that any progress must be ephemeral. If the Democrats get their way and Gen. Petraeus is undermined in Congress, the progress may indeed prove short-lived. But it's time to stop thinking so hard about how to lose, and to think instead about how to reinforce and exploit the success we have begun to achieve. The debate in Washington hasn't caught up to the realities in Baghdad. Until it does, a resolute president will need to prevent defeatists in Congress from losing a winnable war in Iraq.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. CORNYN. Madam President, I agree with the Senator from Arizona that the consequences of playing politics with this important funding for our troops is simply the wrong strategy; that what we have is a game of chicken between the House of Representatives, which is larding up a supplemental appropriations bill with a bunch of extraneous pork, and the President, recognizing that there are nonsecurity provisions in that supplemental appropriations, has said if that and the timetable for withdrawal from Iraq is included as part of this emergency supplemental, he will veto it. So this is a high-risk game of chicken, with the impact of delaying passage of the supplemental being felt directly by our troops on the ground, if that is in fact the result.

Last week, Secretary Gates made clear the consequences of not quickly passing the supplemental funding necessary to support our troops. The downstream effects will directly impact our soldiers, sailors, marines, and airmen. By not moving expeditiously to pass a clean supplemental bill that can pass the Senate and be signed by the President, the majority risks extending the tours of our troops scheduled to come home from Iraq and slowing the repair of equipment necessary to equip them, as well as the training of Iraqi soldiers who are designed to replace them.

Any delay in funding will not prevent a buildup of security forces in Iraq but, instead, threaten to dramatically impact forces already on the ground. Secretary Gates has said this kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families. So I can't imagine why in the world our colleagues on the other side of the aisle, the new majority, would want to risk that.

This supplemental is necessary to pay for training and equipping the soldiers in Iraq and Afghanistan. If approved, the supplemental will pay for military operations in Iraq and Afghanistan, repairing and replacing equipment damaged or destroyed in combat, and new technologies to protect U.S. servicemembers. This last provision includes a new generation of body armor, better armored vehicles, and countermeasures against improvised explosive devices. IEDs have caused about 70 percent of the casualties in Iraq. The supplemental also will provide funding for training and equipping the Iraqi and Afghan security forces.

If this supplemental appropriations bill is not passed by April 15, the military will be forced to consider the following: curtailing and suspending home station training for Reserve and Guard units; slowing the training of units slated to deploy next to Iraq and Afghanistan; cutting the funding for upgrading and renovating the barracks and other facilities that support quality of life for our troops and their families; and stopping the repair of equipment necessary to support predeployment training. This is what Secretary of Defense Robert Gates has said on March 22, 2007.

If the supplemental is not passed by May 15, the military will be forced to consider the following: reducing the repair work done at Army depots; delaying or curtailing the deployment of brigade combat teams to their training rotations. This, in turn, will cause additional units in theater to have their tours extended because other units are not ready to take their place. Delaying the formation of new brigade combat teams; implementation of civilian hiring freeze; prohibiting the execution of new contracts and service orders, including service contracts for training events and facilities; and, finally, holding or canceling the order of repair parts to nondeployed units in the Army.

All of these, according to Secretary of Defense Robert Gates, on March 22, 2007.

When the new majority took over Congress, they promised change. In fact, the first bill passed in the Senate was an ethics bill that, in part, helped improve transparency in the way we spend taxpayers' money in Washington. While that ethics bill remains in limbo, the 110th Congress has returned to the tried-and-true technique of inserting mystery earmarks that have nothing to do with funding our troops or fighting the war on terror into a war supplemental bill.

During the election season, many on the other side called the 109th Congress

the ''do-nothing'' Congress. The 110th Congress is quickly becoming the ''say anything and do-nothing Congress'' when it comes to fiscal discipline. Last week, when the Senate debated the budget, the majority spoke of the need for fiscal discipline, even as it passed the $700 billion tax hike for taxpayers over the next 5 years.

The chairman of the Senate Budget Committee was quoted as saying:

> We have a responsibility to govern, and you can't govern without a budget.

But governing takes more than simply passing a budget. Governing also includes the discipline to live within a budget.

Unfortunately, both the Senate and the House failed in their first test by including billions more in the war supplemental than the President requested. As I mentioned, President Bush has already threatened to veto the House bill; not all because of the timetable it imposes for our troops' withdrawal from Iraq but also because the bill is full of pork.

In today's edition of the Politico, they did a fine job of identifying some of the most egregious examples of pork included in the House bill. They highlighted $5 million for tropical fish breeders and transporters for losses from a virus last year; $25 million for spinach that growers and handlers were unable to market, up to 75 percent of their losses; $60.4 million for the National Marine Fisheries Service to be distributed among fishing communities, Indian tribes, individuals, small businesses, including fishermen, fish processors, and related businesses, and other persons for assistance to mitigate the economic and other social effects by a commercial fishery failure.

It also includes $74 million for the payment of storage, handling, and other associated costs for the 2007 crop of peanuts to ensure proper storage of peanuts for which a loan is made, and the House bill also includes $120 million for the shrimp and menhaden fishing industries to cover consequences of Hurricane Katrina.

Now, I have to confess, even though I like to fish a little myself, I had never even heard of menhaden, so I went on the Internet to something called the Menhaden Fact Sheet. This is, if you will recall, $120 million for the shrimp and menhaden fishing industries to cover consequences of Hurricane Katrina. Well, as it turns out, according to the Wikipedia, the free encyclopedia on the Internet, the menhaden are fish of the—well, I can't even pronounce the Latin phrase, but they are of the herring family.

It says here, describing this menhaden that the taxpayer is being asked to pay $120 million in this emergency war supplemental: to support the gulf menhaden and Atlantic menhaden which are characterized by a series of smaller spots behind the main, humeral spot and larger scales than yellowfin menhaden and finescale menhaden. In addition, yellowfin menhaden tail rays are a bright yellow in contrast to those of the Atlantic menhaden, which are grayish. Menhaden range in weight up to 1 pound or more. At sea, schools of Atlantic menhaden may contain millions of members. Common names for Atlantic menhaden are mossbunkers and fatback. In Florida, yellowfin menhaden are called pogies, and are the preferred species for use as strip bait.

This is important. It talks about the range, since this is supposedly done as part of the Hurricane Katrina relief measure. It says gulf menhaden range from the Yucatan Peninsula to Tampa Bay, FL, with finescaled menhaden from the Yucatan to Louisiana—I guess we are getting a little closer now to where Hurricane Katrina hit—yellowfin menhaden from Louisiana to North Carolina, the Atlantic menhaden ranges from Jupiter Inlet, FL, to Nova Scotia. The various species of menhaden occur anywhere from estuarine waters outward to the Continental Shelf.

It says that menhaden are essentially filter feeders, straining microscopic plankton, algae, et cetera, from the water they swim through open-mouthed. Unlike mullet, they are not bottom feeders. Due to their feeding habits, they must be caught by cast netting to be used as live bait.

This is the most interesting part of the article. It says: menhaden are not used for human consumption. Most recently, menhaden has begun to be exploited as a source of omega-3 fatty acid fish oil for commercial human consumption, further threatening menhaden populations.

I certainly don't know what the purpose is of this $120 million for shrimp and the menhaden fishing industries, but I can't see in this description, or anywhere else in this legislation, why this is an emergency or why it ought to be included in an emergency war supplemental. If anything, the inclusion of this kind of appropriation in this emergency war supplemental in the House bill trivializes the importance of providing the money that will help our troops deployed in Afghanistan and Iraq in harm's way.

Here is what the Senate bill included: $24 million for funding of sugar beets; $3 million funding for sugar cane, all of which goes to a Hawaiian cooperative; $100 million for dairy product losses; an additional $31 million for a 1-month extension of the Milk Income Loss Contract Program; 13 million for Ewe Lamb Replacement and Retention Program; $115 million for the conservation security program; $100 million for small agricultural dependent businesses; $13 million for mine safety technology research; $50 million for fisheries disaster mitigation fund.

There is so much pork included in this supplemental appropriations bill, both in the House version and in the Senate proposal, that it warranted a front-page story and editorial in USA Today. An editorial in USA Today questioned:

> Which is worse: Leaders offering peanuts for a vote of this magnitude, or Members allowing their votes to be bought for peanuts.

The editorial went on to conclude:

> These provisions demean a bill that, if enacted, would affect the lives of troops in Iraq and Afghanistan, the balance of power in the Middle East and America's long-term security.

In short, what we have is that my colleagues on the other side of the aisle are willing to put money into pet projects—which may or may not be worthy endeavors, we will never know—and yet are unwilling to adequately fund the needs of our military. For all their talk of earmark reform and transparency earlier this year, my colleagues seemed to have forgotten all of that when they put together the supplemental appropriations bill.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business for up to 8 minutes.

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

FIRING OF U.S. ATTORNEYS

Mr. ALEXANDER. Madam President, my late friend Alex Haley, the author of Roots, lived his life by 6 words: ''Find the Good and Praise It.'' I thought of those 6 words in connection with the current discussion about the firing of 8 United States Attorneys.

The Democrats are making political hay out of these firings at a time when the Senate should be focused on Iraq, terrorism, health care costs, excessive federal spending, energy independence and keeping our brainpower advantage so we can keep our good jobs here instead of seeing them move overseas.

U.S. Attorneys have always been political appointees serving at the pleasure of the president. President Clinton fired them all on his first day in office. Such partisanship is nothing new. Former Attorney General Griffin Bell recently said that the custom once was for U.S. attorneys simply to vacate their offices on the day a new president was inaugurated, knowing that new political appointees would soon arrive to take their desks.

In the summer of 1963, in between my first and second year at New York University Law School, I worked in Attorney General Robert Kennedy's office as an intern. I was so impressed that, after graduation, I drove to Chattanooga to apply for a job as an Assistant U.S. Attorney. The interview went fine until the U.S. Attorney for the Eastern District of Tennessee asked about my politics.

''I'm a Republican,'' I said.

''Sorry,'' he said, ''We only hire Democrats.''

''But the Attorney General said the administration of justice was non-partisan,'' I replied.

''That word hasn't gotten down here,'' the U.S. Attorney said.

Yet the historic political nature of these appointments is no excuse for the excessive partisanship, amateurishness and bumbling exhibited by the firing of these eight U.S. Attorneys in the middle of the President's term. The best way to put in relief what is wrong with these firings is to remember Alex Haley's admonition, ''Find the Good and Praise It,'' and point to an example of how political appointees can by their courageous action earn respect for the administration of justice.

I have a personal interest in the example I offer. Nearly 30 years ago—on January 17, 1979—I was sworn into office 3 days early as Governor of Tennessee in order to prevent the incumbent Governor from issuing 52 pardons and commutations to prisoners the FBI believed had paid cash for their release.

The U.S. Attorney for the Middle District of Tennessee, Hal Hardin—a Democrat appointed by President Carter—telephoned to ask me to take office early. Hardin was working with the State attorney general, William Leech, another Democrat, to arrange the unprecedented early swearing-in. Because Hardin and Leech were able to rise above partisanship, the Speakers of the Senate and House and Chief Justice as well as the Secretary of State—also all Democrats—participated in my early swearing-in and the ouster of a Democratic incumbent Governor.

As it turned out, I was the only Republican in the group.

As then-Speaker of the House and later Governor Ned McWherter said, ''We are Tennesseans first.''

The story of January 17, 1979 was recently retold by Judge William C. Koch, Jr., a member of the Tennessee Court of Appeals, in the March 2007 issue of the Nashville Bar Journal. Judge Koch was on the staff of the State attorney general at that time and later was counsel when I was Governor.

In the spirit of ''Find the Good and Praise It,'' I offer for the RECORD Judge Koch's article as an example of how our system of political appointment of U.S. Attorneys can and should operate, in contrast to the example of the 8 firings and the response to those firings that we are discussing today.

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

[From the Nashville Bar Journal, Mar. 2007]

THEY WERE TENNESSEANS FIRST

(By Judge William C. Koch, Jr.)

Cries of ''let's kill all the lawyers'' have been heard ever since Shakespeare wrote Henry VI. Some believe that lawyers and judges have caused—or at least contributed to—most of society's ills. Because the legal profession provides such a convenient target, lawyer-bashing remains fashionable in some circles.

Despite the din of criticism, the truth is that our nation has looked to lawyers for guidance and leadership in times of crisis. An appellate lawyer from Virginia wrote the Declaration of Independence. A trial lawyer from Illinois signed the Emancipation Proclamation. A former criminal prosecutor led the citizens of New York during the dark days following the destruction of the Twin Towers. And it was a Tennessee lawyer who, as a member of the Senate Watergate Committee, helped establish that not even the President of the United States is above the law.

Lawyers and the courts have also been instrumental in facilitating orderly transitions of governmental power in times of controversy and unrest. Most recently, the nation and the world looked on as lawyers and courts resolved the legal disputes surrounding the 2000 presidential election. Almost thirty years ago, two Tennessee lawyers orchestrated one of this country's most unique transitions of governmental power right here in Tennessee. My purpose is to recount some of what Hal Hardin and Bill Leech did in less than twenty-four hours on Wednesday, January 17, 1979.

Governor Ray Blanton's administration was clouded by controversy from its very beginning in January 1975. Many of these controversies involved state prisoners. In October 1976, a rumored federal ''clemency for cash'' investigation made front page headlines when FBI agents raided the office of Governor Blanton's lawyer and seized over one hundred files. In August 1977, the Governor fired Marie Ragghianti, his handpicked chairman of the parole board. Ms. Rigghianti hired Fred Thompson, and litigation followed.

Perhaps the most notorious controversy involved Roger Humphreys, the son of one of Governor Blanton's political allies, who had been convicted in 1975 of murdering his former wife and her boyfriend. Humphreys shot his two victims eighteen times with a two-shot derringer. Governor Blanton arranged for Humphreys to become a trustee and then gave him a job as a state photographer. When questioned, the governor insisted that Humphreys was ''a fine young man'' and bragged that he planned to pardon Humphreys before he left office.

The reaction to Governor Blanton's promise to pardon Roger Humphreys was swift and furious. The Tennessee House of Representatives passed HJR 271 urging Governor Blanton not to pardon him. A bipartisan committee, chaired by former Governor Winfield Dunn, a Republican, and John Jay Hooker, a prominent Democrat, started a statewide petition drive to urge the Governor not to pardon Humphreys. Governor Blanton announced on the eve of the 1978 general election that ''after prayerful consideration'' he would not pardon Humphreys. However, two weeks after the election, Governor Blanton announced that he had changed his mind and that he was again considering a pardon for Humphreys.

The public's outrage increased during December 1978. The FBI arrested Governor Blanton's lawyer in his office at the Capitol and charged him with selling pardons. The lawyer had clemency papers and marked money in his possession when we was arrested. One week later, Governor Blanton appeared before a federal grand jury and proclaimed as he was leaving the courthouse, ''I have nothing to hide.''

Governor Blanton's activities eventually prompted Senator Victor Ashe, a Republican from Knoxville, to ask William M. Leech, Jr., Tennessee's new Attorney General, to decide whether the governor-elect could become governor before the inauguration set by the legislature for January 20, 1979. While Bill Leech, a populist Democrat from Santa Fe, had been in the eye of the storm before, he did not relish answering this question. On January 3, 1979, his office issued Opinion No. 79–3 concluding that Republican Governor-elect Lamar Alexander could take the oath of office and become governor any time after midnight on January 15, 1979. General Leech decided against releasing the opinion to the public immediately.

On January 5,1979, Governor Blanton confirmed that he had been notified that he was a target of the federal grand jury ''clemency for cash'' investigation. In addition, the United States Attorney for the Middle District of Tennessee sent a letter to the parole board identifying twenty-six prisoners who were implicated in the growing ''clemency for cash'' investigation. Despite these developments, Governor Blanton continued to joke with the press about his plans to pardon Roger Humphreys.

Even though the Attorney General's opinion was not released to the public until January 15, 1979, rumors about the possibility of an early swearing-in began to circulate on Capitol Hill. Speaker of the House Ned Ray McWherter confirmed that the General Assembly might inaugurate the Governor-elect early if Governor Blanton issued any mass commutations. Lamar Alexander, an accomplished lawyer himself, downplayed the Attorney General's opinion. After consulting privately with the Speaker McWherter and Lieutenant Governor John Wilder, he stated that it would be ''totally inappropriate for me to assume power wholly on my own initiative.''

Speaker McWherter's fears were realized on Monday, January 15, 1979. Around 8:00 p.m. on that cold, rainy evening, Governor Blanton returned to his office in the Capitol. He was joined by his new lawyer and his Commissioner of Correction, and later by Secretary of State Gentry Crowell. Over the course of the next three hours, Governor Blanton signed clemency papers for 52 prisoners, including Roger Humphreys. As he signed Humphreys's papers, the Governor commented, ''This takes guts.'' Mr. Crowell replied, ''Yeah, well some people have more guts than they've got brains.''

The press corps quickly learned that Governor Blanton was in his office, and the reporters were waiting for him when he left the Capitol after 11:00 p.m. The Governor confirmed that he had signed a number of clemency documents, but he was coy about how many and for whom. Governor Blanton did not tell the reporters that Rogers Humphreys's clemency was being hand-carried to the state prison at that very moment. By the time the Secretary of State confirmed that Humphreys was among the 52 prisoners receiving clemencies, Humphreys had already left the prison a free man.

News of the 52 late night clemencies hit like a bombshell on January 16, 1979. State and federal officials—both Democrat and Republican—expressed dismay and began looking for ways to undo what Governor Blanton had done. The Governor's office fueled the controversy when the Governor's new lawyer announced that Governor Blanton might issue 18 more clemencies, including one ''big name,'' before the governor-elect's inauguration.

General Leech was in Washington on January 16, 1979 to argue a case before the United States Supreme Court. His pregnant wife had also gone into labor. He completed the argument and telephoned his office with directions to modify Opinion No. 79–3 to state that a court might hold that the Governor-elect could only take the oath of office at the scheduled inauguration. General Leech

arrived in Nashville later that evening and went directly to the hospital. His son was born the next morning.

It was at this point that Hal D. Hardin, the United States Attorney in Nashville, stepped up to the plate. Hardin, a ''yellow dog'' Democrat, had been appointed United States Attorney by President Jimmy Carter in July 1977. Prior to that appointment, he had been the widely respected presiding judge on the Circuit Court for Davidson County. In fact, Governor Blanton himself had placed Mr. Hardin on the bench in 1975. Despite Governor Blanton's protestations that the ''clemency for cash'' investigation was a partisan Republican conspiracy, Hardin had been involved with the investigation for more than a year.

Mr. Hardin had learned from a confidential source that Governor Blanton was preparing to issue clemencies for 18 to 20 more prisoners who were implicated in the ongoing ''clemency for cash'' investigation. Rather than waiting for events to unfold, Mr. Hardin, without the knowledge of the FBI or his staff, telephoned Lamar Alexander on the morning of January 17, 1979. He told Alexander that he was calling as a Tennessean and explained that he had received reliable information that Governor Blanton was preparing to issue additional clemencies, and he recommended that the Governor-elect consider taking office three days early in what Lamar Alexander later described as a ''swift and secret coup.''

Lamar Alexander had high regard for Hal Hardin. However, rather than acting on his own, he asked Hardin relay the information to Speaker McWherter, Lieutenant Governor Wilder, and General Leech. Hardin placed separate telephone calls to Speaker McWherter and Lieutenant Governor Wilder. He suggested a meeting among the three of them. Speaker McWherter and Lieutenant Governor Wilder decided against the meeting because they were concerned that a private meeting might violate the Sunshine Law. Instead, they asked him to meet with General Leech. Mr. Hardin telephoned General Leech, and a short time later, General Leech and two senior members of his staff met with Mr. Hardin in a hotel room across the street from the federal courthouse that Hardin had rented under an assumed name. Both Hardin and Leech understood that they had been given the responsibility to chart a course of action for the leaders of state government. The discussion was tense and sometime heated despite their close personal and professional relationship. For several hours, they reviewed Opinion No. 79–3 and eventually determined that the original opinion was correct. They also discussed how Governor Blanton might react and formulated contingency plans. When the meeting concluded, both General Leech and Mr. Hardin agreed to advise the state officials that the only way to prevent Governor Blanton from issuing more clemencies would be for Lamar Alexander to take the oath of office immediately.

Mr. Hardin returned to his office following the meeting in the hotel room. General Leech telephoned Lamar Alexander. He told the Governor-elect that despite his earlier misgivings about Opinion No. 79–3, he was now convinced that state law permitted the Governor-elect to assume office before the inauguration and that removing Governor Blanton from office was not only appropriate but necessary. Then General Leech met with Speaker McWherter and Lieutenant Governor Wilder and reiterated what he had told the Governor-elect. The legislative leaders were convinced that Governor Blanton should be removed from office, and Speaker McWherter telephoned Lamar Alexander and told him, ''It's time for leadership . . . We will support you.''

Numerous telephone conversations involving Lamar Alexander, Speaker McWherter, Lieutenant Governor Wilder, and General Leech followed.

They agreed that bipartisanship was essential and that Tennessee's citizens should understand that Tennessee's elected leaders were united in this decision. They decided that the legislative leaders, the constitutional officers, and the Attorney General- all Democrats—should be present at the ceremony, and they agreed on a statement that Alexander would read before he took the oath of office. They also decided that the ceremony should take place in the courtroom at the Supreme Court Building in Nashville and that Chief Justice Joseph Henry, also a Democrat, should be invited to administer the oath of office.

Shortly after 5:00 p.m., Speaker McWherter, Lieutenant Governor Wilder, the constitutional officers, and the members of the media walked from the Legislative Plaza to the Supreme Court. They were joined there by Lamar Alexander, his family, and several of Alexander's senior advisors. Chief Justice Henry administered the oath. The somber ceremony lasted six minutes. The press conference that followed lasted much longer. It was not lost on the media that the new governor was a Republican while most of the other officials involved in the ceremony were Democrats. One television reporter attempted to obtain a partisan comment from Speaker McWherter. However, Speaker McWherter, who would later serve as Governor with distinction, cut the reporter short saying, ''Let me say to you. First, I'm a Tennessean, and I think this is in the interest of Tennessee regardless of the party.''

Just before the ceremony began, General Leech telephoned Governor Blanton to inform him he was no longer Governor. Following the call, Governor Blanton complained that ''there was no courtesy extended to me today.'' Agents of the FBI circulated through the Capitol serving grand jury subpoenas on Governor Blanton's staff. Hal Hardin decided not to attend the ceremony. Rather than remaining in his office, he went for a long drive to be alone with his thoughts and to reflect on the events of the day.

As soon as the ceremony ended, several senior members of now Governor Alexander's staff made their way to the Capitol to secure the Governor's office. They found Governor Blanton's lawyer in his office preparing clemency papers for 30 more prisoners. Lewis R. Donelson, a Memphis lawyer who had already been named as the new Commissioner of Finance and Administration, refused to permit the lawyer to leave the building with the papers. When Governor Blanton telephoned to question his authority, Mr. Donelson replied that he was acting ''by the authority of the new governor.'' In response to Governor Blanton's assertion that he was still the governor, Mr. Donelson replied, ''Not anymore.''

A full discussion of the aftermath of the events of January 17, 1979 must await another day. Governor Alexander appointed Fred Thompson as special counsel to oversee his Administration's response to the clemency crisis. Governor Alexander's formal inauguration took place as planned on January 20, 1979. For the second time, Governor Alexander took the oath administered by Chief Justice Henry in the presence of Speaker McWherter, Lieutenant Governor Wilder and the constitutional officers. While litigation in the federal and state court would follow, the transition of governmental power proceeded with bipartisan dignity. Governor Alexander announced that ''today ought to be a happy one because the people and their government are back together again.''

Courage does not always draw attention to itself. Hal Hardin did not attend the inauguration. Bill Leech was present but did not play a prominent role in the ceremonies. While Lamar Alexander, Ned Ray McWherter, and John Wilder deserve credit for their personal courage and decisive demonstration of bipartisanship, the principal figures in this political drama agree that the events of January 17, 1979 would not have unfolded the way they did had it not been for Hal Hardin and Bill Leech. These lawyers placed the rule of law and governmental integrity ahead of political expediency and personal reputation. In the words of Speaker McWherter, they were Tennesseans first and their actions sprang from their desire to protect the interests of all Tennesseans, regardless of party.

Mr. ALEXANDER. I thank the Senator from Washington. I yield the floor.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent the Senate now proceed to Morning Business with Senators allowed to speak for up to 10 minutes each.

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

Mrs. MURRAY. 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. LIEBERMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPPLEMENTAL APPROPRIATIONS

Mr. LIEBERMAN. Madam President, I rise to speak in support of the amendment to strike section 1315 of the supplemental appropriations bill now before the Senate. The motion to strike was proposed earlier today by the Senator from Mississippi, Mr. COCHRAN. I am honored to be a cosponsor of it. I wish to explain to my colleagues why I am cosponsoring it.

This is a bill that is quite necessary to the funding of our military effort in Iraq and more broadly. The bill has kind of grown like Topsy and has a lot of other stuff in it. Maybe I am reflecting on the fact that I am going to see my grandchildren soon. One of my favorite Dr. Seuss books is about Thidwick the moose. Thidwick is a glorious moose with large antlers. Various creatures in the forest begin to occupy, ultimately quite unjustifiably, Thidwick's antlers until they fall off. There are parts of this supplemental appropriations bill that in my opinion, respectfully, do not belong there. Most significant of those is section 1315, which our motion would strike.

Section 1315 would order a withdrawal of American troops in Iraq to begin 120 days after passage, regardless of conditions on the ground, regardless of the recommendations of General Petraeus, regardless of the opinions of our partners in Iraq and throughout

the region, regardless of whether security is improving or deteriorating, the most significant of all. The withdrawal would be ordered by this section of the bill regardless of whether security was improving or deteriorating on the ground. It is the wrong measure at the wrong time. Ultimately, it will be a lot of sound and fury that signifies nothing but, more importantly, that accomplishes nothing and may do harm.

Why do I say it will accomplish nothing? Because everyone in this Chamber knows that the President of the United States could not have been more clear: If section 1315 is in this bill and is sent to his desk, he will veto it. In my opinion, he should veto it. Everyone in this Chamber knows there are not the votes in either House of Congress to override that veto. So that all that would have been accomplished is a delay in getting essential support to our troops in Iraq and Afghanistan, support they need and on which they are counting. That is unacceptable.

Obviously, Iraq and what has happened there, what is happening now is on our minds. We should discuss it. There are ways in which we can appropriately legislate with regard to Iraq. In fact, in this bill before us, there is a section on benchmarks which establishes for ourselves and for the Iraqi Government some benchmarks, some goals that we have in mind for what they primarily, on their own, should be achieving as they move to secure Baghdad and the rest of the country and to take control of their own destiny, an Iraqi Government governing the Iraqi people, which was the aim of our overthrow of Saddam Hussein.

The benchmarks are in there, inspired by the good work done by Senator NELSON of Nebraska, Senator WARNER of Virginia. Senator MCCAIN and I, earlier in the debate on Iraq a couple of months ago, were prepared to introduce an amendment to have such benchmarks. So there was constructive work that could be done. The benchmarks in this bill are in the form of a sense of Congress. They are a message. But they are not tied to a deadline. The measure that passed the House last week actually has some benchmarks that are tied to triggers that would begin withdrawal from Iraq.

President Eisenhower, speaking as a general, once said, now famously because it has been quoted often in these debates about Iraq, and I paraphrase: Anyone who sets a deadline, who argues for a deadline to be set in war doesn't understand war.

I believe what General Eisenhower was saying is that war is a dynamic process, a terrible process, a deadly process, one we try, through the exercise of all our diplomatic strength, to avoid. But when you are in a war, you have to give some deference not just to the generals you authorized to be in command but to the reality on the ground. War is ever changing. I believe Eisenhower must have intended, when he said deadlines should not be set in war, that there are two occasions which would justify a withdrawal. One is when the mission is accomplished. When the purpose for which a nation entered a war is accomplished, then one withdraws in victory. The second occasion when one would withdraw, based on what is happening on the ground, not some arbitrary deadline set far from the battlefield, would be if those in charge conclude that it is impossible to achieve the mission, to achieve the purpose for which the military action, the war, was commenced. Then a retreat occurs, a retreat which is a retreat in defeat.

As difficult as it has gone in Iraq and as many mistakes as have been made, as many setbacks as have occurred, as much as these mistakes and setbacks have stirred feelings of anger and frustration among the American people, which are totally understandable, justified, we have not reached the point in Iraq, in my considered judgment, where it is ready for a retreat because we have lost all hope of achieving our purposes there, which are to create a self-governing, self-sustaining Iraqi Government that will be our ally, particularly in the war against terrorism, as opposed to our enemy, and would create a model, a path, an alternative path to a better future in the Arab world, the Islamic world, than the death, hatred, and suicidal ambitions of al-Qaida and the other Islamic extremists, such as those who attacked us on September 11.

We are in a long and difficult war, and the price paid by our heroic soldiers and their families has been heavy. I understand the feelings of anger and frustration among the American people. But what is not understandable, with all respect, is for Congress now to let the passions of this moment, in Washington, obscure what is happening at this moment in Baghdad and in Anbar. Our actions should be driven by the real-war conditions in Iraq, not by the mindset here in Washington.

So I ask my colleagues to keep their minds open as we begin this very important and, critical debate. Our national security, in my opinion, is on the line in the outcome of this debate. The lives of our troops in Iraq and Afghanistan are on the line, quite literally, in the outcome of this debate.

I ask my colleagues to keep their minds open and to make a judgment as to whether this section—ordering a withdrawal from Iraq within 120 days, regardless of what happens on the ground; to be essentially completed by March of next year when most American troops would be withdrawn, regardless of what is happening on the ground in Iraq—to keep their minds open as to whether this is the right time for such a measure, whether it is the right measure, and whether it has any chance to do anything but to send a mixed message from this Congress, particularly to those who are fighting for us.

I ask my colleagues to look from here, for a moment, at what is actually happening on the ground in Baghdad and in Anbar Province, to the west, under the new security strategy with the new troops GEN David Petraeus is implementing.

Here is what I hear people saying—this is preliminary, this is early, but it is encouraging—sectarian fighting between Sunni and Shia is down significantly in districts in Baghdad where American and Iraqi forces have entered. That means the number of people killed in sectarian conflict, violent acts, death squads in Baghdad is down significantly in those districts where Iraqi and American forces have entered and established a presence.

As security improves, many Iraqi families that fled from their homes are returning to Baghdad. Moqtada al-Sadr, the head of the Mahdi militia, who has been so anti-American, has disappeared and many of his top lieutenants have been arrested.

The Government of Prime Minister Maliki, the Government in Iraq, has shown the kind of strength and decisiveness that is an obvious and necessary precondition for progress there.

I ask my colleagues to consider the testimony given to the Homeland Security and Governmental Affairs Committee, which I am privileged to chair, last Wednesday by Stuart Bowen, Jr., the Special Inspector General for Iraqi Reconstruction. Anybody who has followed Mr. Bowen's work knows this is a straight shooter. He is not in there to protect anybody. He is not in there to spin. He has told it as he sees it. He has been extremely critical of so much of what has happened in Iraq, particularly, obviously, within the jurisdiction the law gives him as Inspector General, which is to see how our money has been spent. He has documented waste in ways that are truly infuriating.

So when Stuart Bowen says something encouraging about what he sees in Iraq, that matters to me, and I believe it should matter to others. Last Wednesday, before the committee, Mr. Bowen said the week before he had returned from his 15th visit to Iraq. He said:

> It's been about twenty months—
>
> Almost 2 years—
>
> since I have returned from Iraq with a sense of cautious optimism. I have that now.

That is significant. Why on Earth—with independent testimony from Iraq that there are preliminary, encouraging signs of the effect of the new troops, the new plan, the new leader—why on Earth would we at this time order a withdrawal of those troops to begin within 120 days regardless?

Why, in the face of these encouraging developments, would this Chamber demand that the essence of the plan that has brought about these encouraging developments should end? Why, just several weeks after confirming GEN David Petraeus to lead our effort in Iraq, would this Chamber block him from carrying out the strategy he

shaped, is now implementing, and appears to be working?

In my opinion, the deadline for withdrawal from Iraq that is in this bill now is a deadline for defeat, where victory and success are still possible. There are no guarantees, of course, in war. That is why we adjust our judgments according to what is happening on the ground. So there are no guarantees that the encouraging first results of the implementation of the Petraeus plan will continue and go to full success—no guarantees.

But I can tell you this: If we adopt an arbitrary order to begin to withdraw our troops, regardless of what is happening on the ground in Iraq in the war, it will guarantee failure. That failure will have profound consequences for Iraq, which I believe will break up into not just full-fledged civil war but the kind of ethnic slaughter that drew us a decade ago into Bosnia to stop. And we will have withdrawn and be expected to stand by and let it happen.

Of course, ultimately it will lead to what will be claimed as a victory for the forces of Islamic extremism, our enemies in this war we are fighting. It will, in my opinion, ultimately embolden them to strike us here at home again.

So I appeal to my colleagues, as this debate on this amendment to strike begins, let's have a good debate. That is our nature. That is the essence of our democracy and of this Senate in which we are privileged to serve. But I ask my colleagues, in the end, to step back and think carefully about what this section 1315 would bring about, and instead of undermining General Petraeus, or at best sending a mixed message to him and his troops, let's give him and his troops the unified support and time they need to succeed for us.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

I withdraw the suggestion of an absence of a quorum, seeing my friend and colleague from Oklahoma now on the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. COBURN. Mr. President, the Senate is going to take up, tomorrow, in rather full detail, an emergency supplemental spending bill. I think it is real important, first, for the American people to know what an emergency supplemental bill is supposed to be. It is supposed to be about funding unforeseen problems we could not have anticipated in the regular appropriations process. For a very small amount of this bill, that may be true.

This bill is $121 billion of your grandchildren's and great-grandchildren's money. This bill does not have to stay within the budgetary limitations Congress sets on itself. This bill goes outside every rule we have in terms of controlling the budget, living within our means, and it says: Here is a credit card.

Now, by the way, on the way to funding the war in Iraq, the wisdom of the Senate has added—and it is $21 billion in the House—about $18.9 billion in a wish list. It is a Christmas tree. If each of us in our own personal lives ran our businesses or our households the way Congress is running the emergency supplemental process, we would do it for about 1 year. Then we would be going to bankruptcy court, and we would be losing the vast majority of our possessions because we would not have been deemed to be responsible with the assets we had.

There lies the problem. It is the culture of Congress that thinks we can put a hood over the American people's eyes so they will not know what we are about to do in the next 4 or 5 days in this Chamber. You are going to hear all the reasons in the world why somebody needs something, except it is never going to be held in contrast to the loss of the standard of living of our grandchildren. Yes, there are agricultural needs out there we should have funded a year ago.

The chairman of the Budget Committee said when he would get in power, when the Democrats would get in power, they were going to pay for it—except here we have an emergency agriculture supplemental bill, a good portion of which is needed but it is not paid for. There is no offset anywhere else in the hundreds of billions of dollars' worth of waste in the discretionary side of the budget alone, to reduce something else so we can take care of those who need us now.

There is another aspect to this funding bill; that is, the politics that plays into it over the debate on the Iraq war. What we are seeing play out is a double-edged sword of how do we hurt the troops in the field by adding things to a supplemental bill to take care of them, when there has already been a threatened veto over the bill because it adds $18.9 billion more than what the President asked for to fund the war.

So as you listen, in the next 4 or 5 days, to the Senate debate this bill, there are a couple things you ought to pay attention to, and you ought to ask yourself the question: Where is the money coming from to pay for this bill? Where is the sacrifice from the generations today to do what the Members of this body want to do?

There is no sacrifice. We are not calling on anybody to sacrifice. What we are saying is: Those unborn, those young, those who are about to be born, and the children of those who are young, unborn or about to be born are the ones who are going to pay for it.

It portends a great moral question of our society today: How is it we can totally turn upside down the heritage of this country, the heritage of a country that has been built on the following premise: "I am going to work hard. I am going to sacrifice. And I am going to serve so that my children and grandchildren get ahead"? Have we become such a selfish country that we do not care about the next two generations?

I think the Senate has spoken, at least the appropriators have spoken. They have said "yes," it is OK to do things such as pay for the conventions, in August, of the Democratic and Republican Parties for the additional funds that will be needed for police enforcement with an emergency bill. Our grandchildren are not going to benefit from that. The political process today is. But we put it in this bill because it means if we put it in this bill, it will not be charged against the regular budget process. It is another way to spend more money. So let's move more things into the emergency category, so we do not have to be responsible when the rest of the appropriations bills come through the Senate.

Think about this: You have a grandchild sitting on your knee and you say: Yes, back in 2007, they had a party in Minneapolis and in Denver, and they charged it to you. You may get to go to college, you may not, but I just want you to know we had a good time at our conventions. How about $100 million for businesses that have under $15 million in revenue a year that have suffered some loss from a drought over the last 2 or 3 years. We already have several organizations within the Federal Government: Farm Service Agency, loan capabilities from the Department of Agriculture, the Small Business Administration. All are qualified to loan money to businesses that work in the agricultural area but, no, we set aside. We expanded the farm program with this bill to give $100 million to small businesses that have been hurt. If you are not connected to agriculture and you have been hurt, where is the bill to help you? Where does the precedent stop in terms of your small business?

What about the fact that gas prices rose and some auto dealers went out of business? Where is the $100 million for them? What about the fact that energy prices have gone up and small business profits all across the country have been severely damaged because if they are energy dependent, their costs have risen significantly? Where is the $100 million? Where does it stop? Where does it stop that we steal—when do we stop stealing from our grandchildren?

There is also in this emergency provision $3.5 million for tours of the Capitol. An emergency, that we have to have the money now, otherwise we won't have tours in the Capitol? That isn't right, but that is what is in the bill: $3.5 million. Why? So we can have $3.5 million more to play with when we get inside the budget now that we are outside the budget.

Oh, and I forgot to mention the fact the administration isn't innocent in this either, because the war in Iraq is hardly an emergency. As a matter of fact, it is in its fourth year. The administration should know what they need. Rather than send a supplemental up here, it should be in the Defense appropriations bill. It should have been in the bill we passed this last year. But instead, even the administration is complicit.

Who is going to stand and speak for the future against the processes the Congress uses today to fund and grow the Government, not worrying about how we pay for it in the future? Will you? Will you challenge this process? Will you say enough is enough? Will you do your part as a citizen of this country to make a difference, to hold people accountable here, rather than let the continued culture—and I call it a culture which actually the majority party ran on. It is a culture of corruption. When you do for you and steal from those who are weak and have no access or ability to pay it, that is corruption. It is morally corrupt. It is a process by which we undermine the very foundation upon which our country has become strong. If we continue it, what we will see is a weakened nation.

We now have $70 trillion of unfunded liabilities for Medicare, Medicaid, and Social Security. Think about that for a minute. Go figure out how many zeroes are associated with $1 trillion. If you had everyone who was worth more than $1 billion in the world sell all of their assets tomorrow and give every bit of that to the U.S. Government, it wouldn't even pay the interest for 1 year. How is it we can be going down this road? How is it we can be turning our backs on the principles that made us great as a nation—the idea of personal responsibility even applied to Senators, and accountability, and transparency. We are going to hear a lot of stories about what is and isn't happening with this bill over the next 3 or 4 days, but the question I hope the American people will ask themselves is where is the money coming from? Where is the money coming from? If it is not in a pot somewhere and if it is not saved, somebody is going to have to pay for it.

This money is coming from the big Visa card of the Federal Government. We are going to ''cha-ching'' and we are going to say: Grandchildren, you have to pay for this war in Iraq, plus another $19 billion, because we don't have the courage to hold this Government accountable. We don't even have the courage to hold ourselves accountable. We don't have the courage to eliminate the duplication, the fraud, and the waste that accounts for over $200 billion every year in this $3 trillion budget. There is no courage here to face that. We can do oversight hearings, and we have done so. Senator CARPER and myself did 46, more than any other committee of Congress, over the last 2 years. What we found was almost $200 billion of either duplicative programs, wasteful programs, or outright fraud. Yet where is the Congress offsetting those with this bill? No. It is too hard work. You might offend somebody. The next election is more important than the next generation. Being here is more important than doing what is the best thing for our Nation.

So I hope as we approach this bill, the American public will ask that question about where the sacrifice comes from to do this. Where does the sacrifice come from? Unfortunately, it is going to come from the next 2 generations. It is hard to identify what that means, but with $9 trillion of actual outstanding debt we have now and the $70 trillion of unfunded liability, it doesn't take a great imagination to understand how that might impact our children and grandchildren, with high interest rates, lack of ability to afford a college education, inability to own a home, buy a new car. All of those things are coming as we continue to steal the future from our children and our grandchildren. The big government credit card. It is only available because there is a lack of backbone and spine in the Congress to do what is necessary to give the American people true value from their Government. It is hard. A lot of people get upset. But I would much rather stand here and try to change it now than try to explain to my grandchildren why we didn't change it, why we didn't do that.

I have some hope the American people are starting to wake up to the budgetary gimmicks and processes the Congress uses. When they really awaken, what they are going to do is change who runs this place. It is going to be real citizen legislators. It is going to be people who care about the future more than they care about today. It is going to be people who care about a heritage that continues to be and create and hold forth the greatest experiment in freedom that has ever been. Without that change, as Will Durant said:

> Great societies are never conquered from without until they rot from within.

This is part of the rotting process we are going to see over the next 5 days in the Senate. If people summon courage, summon long-term viewpoint, summon sacrifice of giving up of themselves, whether it be position or power so we can create something better, the country will be all the better for that. If we don't, there won't be a headline that says: ''Grandchildren hurt by supplemental bill,'' but it doesn't mean they won't be. The fact is they will.

It is interesting the accounting that Washington uses. Last year the official number on the deficit was $175 billion, but the real number, the amount the debt went up, was $360 billion. If you are at home and you have a checkbook and you spend $175 more than you had in the checkbook, but at the end of the year you charged another $200 on top of it, you really spent it all, and you went into debt for that whole amount. But we don't do what national accounting standards say. We play a game. We take the Social Security money and we lessen the effect of what we are doing through Social Security and 30 some other trust funds such as the inland waterway trust fund and several others, and the retirement of the employees of the Federal Government that is not funded, and we add all that back and we make it look better than it is.

The idea behind a half lie is a whole truth, but it is not. A half truth is a whole lie.

So my hope is when we have this debate on this bill, this $121 billion bill, America will say: Wait a minute. Why aren't you paying for it? Why aren't you trimming some of the fat? Why aren't you trimming some of the problems? Why aren't you doing that? Because it is hard. That is not a good enough reason to undermine the future of this country.

Mr. President, I appreciate the opportunity to come and speak this evening and the staff staying here.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask that morning business be closed.

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

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007—Continued

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be considered as original text for the purpose of further amendments, and that no points of order be considered waived by virtue of this agreement; further, that the pending Cochran amendment remain in order, notwithstanding this agreement.

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

The amendment (No. 641) was agreed to.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant 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. 84, H.R. 1591, the emergency supplemental 2007 appropriations bill.

Harry Reid, Robert C. Byrd, Jack Reed, Patrick Leahy, B.A. Mikulski, Byron L. Dorgan, Christopher J. Dodd, Dianne Feinstein, Richard J. Durbin, Chuck Schumer, Debbie Stabenow, Barbara Boxer, Herb Kohl, Jay Rockefeller, Joe Biden, E. Benjamin Nelson, Daniel K. Akaka, Ted Kennedy.

Mr. REID. Mr. President, I ask unanimous consent that the live quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

S. CON. RES. 21

AMENDMENT NO. 589

Mr. KYL. The fiscal year 2006 and fiscal year 2007 budget resolutions included an importation reserve fund for drugs imported from countries ''with strong safety laws.'' Yet the Dorgan-Snowe amendment omits that language. Does the Senator from New Hampshire agree that under the Dorgan-Snowe amendment, the term ''safe importation'' means from countries ''with strong safety laws''?

Mr. GREGG. Yes. The term ''safe importation'' means importation only from countries with strong safety laws. The additional language ''with strong safety laws,'' which was included in last year's budget, was redundant, but the absence of those words does not alter the meaning, in my opinion. ''Safe importation'' refers to the importation of prescription drugs from countries that require the review of drugs for safety and effectiveness by an entity of the government of the country; that require the methods used in and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, strength, and efficacy; that require the labeling and promotion of drugs to be in accordance with the approval of the drug and whose valid marketing authorization system is equivalent to the systems in the United States.

GENOMICS AND PERSONALIZED MEDICINE ACT

Mr. BURR. Mr. President, I rise today to express my support for S. 976, the Genomics and Personalized Medicine Act of 2007, which my distinguished colleague from Illinois, Senator OBAMA, and I introduced on March 23, 2007. Senator OBAMA introduced this legislation last year. We have worked together on some revisions, and I am proud to join him in cosponsoring the legislation this year.

I believe this legislation will help improve the quality and safety of health care by providing a better understanding of what causes certain diseases. Through a coordinated research initiative and safer genetic tests, patients and doctors will be empowered to make more informed decisions about medical treatments.

This bill will advance the study of human genes and their functions to better predict patients' susceptibility to certain diseases or conditions and better customize drugs and medical treatments to meet patients' unique needs. By facilitating genomics research, fostering a capable genomics workforce, and encouraging the development of high quality genetic tests, patients will be better informed about the medical care they need.

I am proud that North Carolina is a leader in genomics and personalized medicine research. Duke University's Institute for Genome Sciences and Policy and the University of North Carolina at Chapel Hill's Institute for Pharmacogenomics and Individualized Therapy are both conducting significant research efforts in this area and support a stronger Federal focus on genomics. This legislation will increase Federal support for initiatives at Duke and Chapel Hill—a win-win for North Carolina and patients.

Specifically, this bill establishes an Interagency Working Group at the U.S. Department of Health and Human Services to pull together and accelerate genomics research by developing standardized terminology and establishing quality standards and guidelines for the collection, processing, and storage of genomic samples and data. It advances genomics research by establishing a national biobanking distributed database that collects and integrates genomic data to simplify pooled data analysis. The bill also develops biobanking initiatives at academic medical centers across the country, including biobanks containing biological specimens. It will improve genetics and genomics training by developing model training programs, residency curricula and teaching materials, and by integrating genetics and genomics into clinical and public health practice by developing health professional guidelines.

The bill will also encourage drug sponsors and device companies to develop companion diagnostic tests, and it will improve Federal oversight and regulation of genetic tests by identifying which tests require review and which agency—the Centers for Medicare and Medicaid Services or the Food and Drug Administration—should have oversight over specific categories of tests. It requires the Centers for Disease Control and Prevention to evaluate direct-to-consumer marketing of genetic tests to which consumers have direct access and to educate the public about genomics and its applications. It also asks the Agency for Healthcare Research and Quality to assess the clinical utility and cost-effectiveness of companion diagnostic tests that guide prescribing decisions.

ADDITIONAL STATEMENTS

BURLINGTON COMMUNITY HEALTH CENTER

• Mr. HARKIN. Mr. President, this spring, the new community health center in Burlington, IA, officially opened for business. Having secured funding for the center and attended the groundbreaking ceremony last June, I know how important this health care facility is to Burlington and the surrounding communities. At long last, Des Moines County has a permanent, unified medical and dental clinic, which has been sorely needed for many years.

This is a truly unique community health center. It is housed on the grounds of Southeastern Community College, and there is an agreement between the CHC board and the community college to allow nursing and health aide students to do some of their training in the center. This gives the center an edge in recruiting staff, and it gives students hands-on training opportunities right there on campus. Clearly, this is a win-win-win arrangement for the center, for the community college, and for the entire Burlington community.

I salute Ron Kemp and others who had the vision to create this new community health center, and the persistence to transform their vision into bricks and mortar. The facility is welcoming, modern, and well-equipped. The staff members are truly an inspiration. They have a special passion for their work, and take pride in the fact that they are providing first-rate health care to underserved communities.

Dr. Martin Luther King, Jr., used to say that ''Life's most persistent and urgent question is: What are you doing for others?'' The staff members at the community health centers of Southeast Iowa have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with professionalism and excellence. As chair of the Health and Human Services Appropriations Subcommittee, I am 100 percent committed to securing appropriate funding for community health centers all across America. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Burlington is a dollar spent wisely and frugally. It never ceases to amaze me how their staff members are able to do so much—and to serve so many people—with such limited resources.

I dare say that no one in the health care profession faces greater challenges than those who choose to work in community health centers. These challenges include chronic illness, cultural and linguistic differences, geographical barriers, and homelessness, to name just a few. Nothing stops these dedicated professionals.

And one more thing: community health centers have a well-deserved reputation for caring and kindness. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to Executive Director Ron Kemp, to President Beverly Simone of Southeastern Community College, to the center's dedicated board members, to Ted Boesen, executive director of the Iowa/Nebraska Primary Care Association, and to all the other people who made this new facility possible. They work their hearts out to provide the very best health care to some of our most needy citizens. I deeply appreciate their passion, their compassion, and their dedication to public service.

HONORING LAS PLANTADAS

• Mr. MENENDEZ. Mr. President, today I wish to honor Las Plantadas, a group of women incarcerated for resisting the dictatorial regime of Cuba for nearly half a century. The National Association of Cuban American Women will gather on Saturday, March 24, 2007, to honor a group of Las Plantadas—Ana Lazara Rodriguez, Miriam Ortega, Genoveva Felixgraw, Clara Berta Canton Gomez, Olga Morgan and Gladys B. Campaneria Herrera—with the Elena Mederos Award during a Women's History Month Celebration at Schuetzen Park, in North Bergen, NJ.

The Elena Mederos Award was instituted by the National Association of Cuban American Women in memory of Dr. Elena Mederos, 1900–1981, a human rights activist, who is considered the most prominent Cuban woman of the 20th Century.

Ana Lazara Rodriguez, a doctor, was imprisoned when she was a 19-year-old medical student for participating in protests against the Cuban dictatorship. She was released in 1979 and traveled to the United States via Costa Rica. In May 1995, she published ''Diary of a Survivor,'' a book detailing her experiences while incarcerated.

Miriam Ortega was born in Ciego de Avila, Cuba. She was imprisoned for 18 years for working against the Castro regime. She was released and moved to the United States, where she continues in her determination to fight for a free Cuba.

Clara Berta Canton Gomez was born in Havana, Cuba. In 1962, State security agents searched the home of her parents seeking her brother who was involved in efforts against the Castro regime. Because they did not speak against their family member, Clara and her parents were incarcerated and sentenced to serve 30 years in prison. Released after 7 years, Clara has dedicated her time to fight for the release of political prisoners. She dreams of returning to see a free Cuba.

Olga Morgan was born in Santa Clara, Las Villas. When she was working against the Batista dictatorship, she met her husband, William Alexander Morgan, with whom she has two children, Olguita and Loretta. Olga and her husband were imprisoned in 1960 and 1961. Her husband was executed with the regime proclaiming both he and Olga a ''high risk for the revolution.'' Olga was released in 1971, and after being denied a travel document in 1978, she reached the shores of the United States in the 1980 Mariel boatlift.

Gladys B. Campaneria Herrera was born in Matanzas and raised in Havana. Between 1959 to 1963 she fought against the Castro regime, for which she was arrested in 1964 and sentenced to 3 years in prison. While she was in prison, she suffered greatly. She was released and moved to the United States, where she has lived in New York and worked in New Jersey as a reporter for various Spanish media outlets. An avid writer, Gladys has authored more than 150 poems and songs. She continues to fight for a free Cuba.

The inspiring stories of these women, and of the nearly 3000 other Cuban women who have been imprisoned, tortured, and endured many punishments for refusing to accept a dictatorial regime are a symbol of the dignity and courage of women and a reminder of the need to continue to fight for human rights around the world.

There is no doubt that Las Plantadas are exemplary leaders and profoundly committed individuals who are role models for the Nation. Therefore, I am pleased to pay tribute to Las Plantadas, and I know my colleagues will join in wishing them continued success in their quest for human rights and a free Cuba.•

TRIBUTE TO JUDGE ELSIJANE TRIMBLE ROY

• Mrs. LINCOLN. Mr. President, every year during the month of March, we honor the women who have made a lasting impact on our country's history with Women's History Month. This month, I want to pay tribute to a true Arkansas pioneer who passed away earlier this year, Judge Elsijane Trimble Roy.

Judge Roy has been referred to as ''Arkansas' Lady of Many Firsts.'' Only the third woman to graduate from the University of Arkansas law school in 1939, Judge Roy was the first female in the state of Arkansas to be appointed as circuit judge in 1966. In 1975, then-Governor David Pryor appointed Judge Roy to the Arkansas Supreme Court, making her the first woman to serve as an Arkansas Supreme Court Justice. Just 2 years later, newly elected President Jimmy Carter selected Judge Roy to serve on the Federal bench, and she was given the distinct honor of becoming Arkansas' first female Federal judge, as well as the first female judge appointed to the eighth Circuit.

The daughter of Federal judge Thomas C. Trimble, Judge Roy and her father also held the distinction of being the first father and daughter to serve as Federal judges. In fact, Judge Roy served in the same courtroom that her father presided over for nearly 20 years. She often mentioned that she could feel his presence, and in a 1996 interview with the Arkansas Democrat Gazette, she noted that ''It's meant so much to me to be able to try cases in the same court. I look up there, and he helps me with the hard cases.''

A gifted athlete who loved sports, Judge Roy was a star player for the Lonoke High School basketball team in Lonoke, AR, and was a two-time women's singles champion at the University of Arkansas.

Judge Roy was devoted to both her family and her faith. She was a proud mother, grandmother, and later in life, a great-grandmother. Judge Roy was also an aunt to many nieces and nephews. She was a longtime member of First Baptist Church in Lonoke and taught Sunday school class when she lived in Blytheville, AR. According to her obituary, Judge Roy gave credit to the Lord for her many judicial appointments, saying, ''I have always felt I have been brought to these positions by the Lord.'' The center of her faith was her favorite Bible verse, Micah 6:8, which reads, ''What does the Lord require of you but to do justice, love mercy, and walk humbly with your God.''

A truly remarkable woman, Judge Roy received many honors in her life, including the Outstanding Appellate Judge of 1976–1977 by the Arkansas Trial Lawyers Association. One honor, however, stands out above others. In 1976, Judge Roy was chosen as Arkansas Democrat's Woman of the Year, a distinction her mother also earned. She received a plaque for that honor, and in a 1979 Arkansas Democrat article, Judge Roy said, ''If anything is ever written about me, I want it to contain the words on that plaque. Throughout my career, the things written there are the things I have lived for.''

The plaque reads:

> As a law clerk, lawyer, and trial judge, Elsijane Trimble Roy established a reputation for integrity, intelligence, and independence. As the first woman on the Arkansas Supreme Court, she has become a symbol of pride and inspiration to all women.

Judge Roy, you have been a source of pride and inspiration to all women, not only in Arkansas, but throughout our great land. You will most certainly be missed.•

DIERKS, ARKANSAS, CELEBRATES 100TH ANNIVERSARY

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Dierks, AR, which will soon be celebrating its 100th anniversary. Dierks is located in Howard County which lies in the southwestern part of my State. It was named after a German family that immigrated to the United States in the mid-1800s. The family established a major sawmill known as Hardscrabble, and when the community was incorporated in 1907, it changed its name to Dierks.

The Weyerhaeuser Company purchased most of the Dierks' family holdings in 1969. Weyerhaeuser employs some 600 people in Howard County and is one of the county's largest employers.

Dierks is also one of many of Arkansas's fine recreation destinations. Visitors take advantage of Dierks Lake which offers boating, fishing, waterskiing, camping, and sightseeing. Among fishermen, the lake is best known for its large-mouth bass and crappie. Catfish and bream can also be caught in abundance. The beautiful surroundings make it among one of the most scenic spots in the State.

Mr. President, I ask my colleagues to join me today in congratulating Dierks on its 100th anniversary and in wishing its 1,300 citizens a wonderful day of celebration.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 545. An act 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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 93. A bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications (Rept. No. 110–38).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 261. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 627. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 983. A bill for the relief of Michael Anthony Hurley; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 984. A bill for the relief of Jiao Ying Li; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 985. A bill to establish a pilot program to provide low interest loans to nonprofit, community-based lending intermediaries, to provide midsize loans to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for himself and Mr. SANDERS):

S. 986. A bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 987. A bill to enhance the energy security of the United States by promoting biofuels and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. WARNER, Mr. LEVIN, Mr. VOINOVICH, Mr. LEAHY, Mr. LIEBERMAN, Mr. GREGG, Ms. COLLINS, Mr. ENZI, Ms. SNOWE, Mr. SUNUNU, Mr. STEVENS, Mr. KENNEDY, and Mr. CARDIN):

S. 988. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 989. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 990. A bill to fight criminal gangs; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DEMINT:

S. Res. 123. A resolution reforming the congressional earmark process; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. Res. 124. A resolution congratulating the European Union on the 50th anniversary of the signing of the Treaty of Rome creating the European Economic Community among 6 European countries and laying the foundations for peace, stability, and prosperity in Europe; considered and agreed to.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUYE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 254

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 502

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. CASEY) was added as

a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 576

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 582

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 656

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 673

At the request of Mr. SALAZAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 756

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 756, a bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 831

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 883

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 883, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 888

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 888, a bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 903

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 914

At the request of Mr. VOINOVICH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 914, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 959

At the request of Mrs. CLINTON, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 969

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 980

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. SANDERS):

S. 986. A bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

Mr. REID. Mr. President, before I introduce my legislation, The Combat Related Special Compensation Act of 2007, I would like to briefly talk about the unfair treatment and the deplorable health care conditions found at the Walter Reed Army Medical Center. I feel that the current situation there has some bearing on my legislation.

Walter Reed is one of the Army's best-known and premier medical facilities for wounded service members in the country. Numerous reports by the Government Accounting Office and transcripts of congressional testimony

indicate that many of our military facilities for wounded outpatients are in disarray. These facilities are plagued by mold, mice, stained carpets, and a system ill equipped to handle another generation of psychologically scarred veterans.

Nearly 4,000 outpatients are currently in the military's Medical Holding companies, which oversee the wounded. Soldiers and veterans across the country report bureaucratic neglect similar to Walter Reed's: untrained staff; misplaced paperwork; lost computer generated medical appointments; and long waits for consultations. These serious problems have resulted from bureaucratic red tape and substandard health care conditions. This situation is unacceptable. We have not fulfilled our covenant, nor have we kept our promise to take care of our troops.

Our dedicated service members took an oath to serve our Nation. We as policy makers have a moral obligation to take care of these dedicated service men and women that have shown heroic patriotism in Afghanistan and Iraq.

''As described in the Washington Post'', It is not just a problem at Walter Reed: others describe depressing living conditions for outpatients at military bases throughout the country. Let me share with you the comments of a 70-year-old soldier, Mr. Oliva, who is worried about the military health care our wounded will receive. He described his own troubling experiences at the VA hospital in Livermore, CA.

''It is not just Walter Reed,'' Mr. Oliva states. ''The VA hospitals are not good either except for the staff members who work so hard. It brings tears to my eyes when I see my brothers and sisters having to deal with these conditions.''

Mr. Oliva is but one voice in a vast outpouring of emotion and anger about the treatment of wounded outpatients at Walter Reed. Stories of neglect and substandard care have flooded in from soldiers, their family members, veterans, doctors and nurses working inside the system. This is appalling and an embarrassment to our Nation.

I am particularly concerned that some of the highest ranking officials were aware of the problem for almost two years, but took no action to correct the situation. While we have seen some positive signs from the fallout over the scandal, such as the firing of the head of Walter Reed and the establishment of a bipartisan commission, more must be done.

Our soldiers receive first class care in combat, and they should receive the same level of care in our own country. Congress must lead the way in this effort. We must continue our efforts and pass legislation that will improve the quality of life for all of America's heroes, including providing them with the benefits they have earned.

Today, I join with many of my Senate colleagues to fight and end the ban on current receipt so that disabled veterans can get the fair benefits they deserve. We have made some progress over the last few years, but as everyone knows, we still have a lot of work to do.

The legislation I am introducing today—the Combat-Related Special Compensation Act of 2007, would continue to chip away at this unfair policy, by giving pro-rated retirement benefits to our service men and women who are forced into early retirement because of their combat-related injuries.

Our veterans on a day-to-day basis sacrifice their life for our country. As public servants, we Americans owe it to our dedicated service men and women to end this inequity. We must support our troops; we must ensure that those who serve us with dignity and valor receive these deserving benefits. They have earned it and they deserve it.

My legislation will take care of soldiers who had hoped to make the military a career, but were discharged prematurely for an injury sustained in combat and forced to retire medically before attaining 20 years of service.

Like many of you, I have visited military hospitals on several occasions and have seen first hand the injuries sustained by our military personnel. Many of the members have reached the 10-, 12-, 14-year marks of their military careers and have been forced to retire medically before they meet the 20-year requirement to receive full benefits. Right now, these soldiers receive combat-related disability benefits, but are not eligible to receive retirement benefits because they cannot fulfill the 20-year service requirement.

This is a travesty to treat our dedicated service men and women inequitably. It's wrong.

We should not penalize veterans because they incurred a combat-related injury while serving their country. This legislation will ensure they will receive both their prorated military retirement pay, along with their disability compensation.

Let me point out that this legislation is especially important given the injuries sustained by these troops that are currently serving in Afghanistan, Iraq, and other theaters throughout the world. This legislation is essential for the more than 23,000 injured personnel who are returning from war. The widespread use of improvised explosive devices (IED) has created numerous amputees and therefore, result in an increase in medically discharged veterans. As described in stories reported by the Washington Post, a 25-year-old soldier got to close to an IED in Iraq and was sent to Walter Reed, where doctors did all they could before shipping the soldier to the VA for the remainder of his life. Will this young soldier be one of the victims of war that do not receive disability compensation and military retirement pay?

Mr. President, ensuring our veterans receive retirement benefits they have earned is the right thing to do, especially in light of recent issues surrounding the treatment of patients at Walter Reed. We must never forget the sacrifices our service men and women have made to protect our freedom. They serve because they love this great country. Taking care of our veterans is not only the right thing to do; it is also important for our efforts to win the war on terror. In our all-volunteer military, it is critical to attract and retain professional and dedicated soldiers. In turn, they expect that we will honor our commitments to provide health care and other primary benefits for them and their families.

By ending this unfair policy, we now have an opportunity to show our gratitude to our veterans. If we are to truly honor the sacrifices of our veterans, we need to ensure that those who were injured in defense of our Nation receive these well deserved benefits.

While our Nation is at war, there is no better honor we could bestow upon them than to pass this legislation.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 986

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 ''Combat-Related Special Compensation Act of 2007''.

SEC. 2. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows and inserting ''who—

''(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(2) has a combat-related disability.''.

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before ''In the case of'' the following heading: ''IN GENERAL.—''; and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 21½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 987. A bill to enhance the energy security of the United States by promoting biofuels and for other purposes; to the Committee on Energy and Natural Resources.

Mr. President, I am very pleased to introduce the Biofuels for Energy Security and Transportation Act of 2007, along with my co-sponsor, Senator DOMENICI. This bipartisan bill will increase our use of home-grown biofuels and reduce our dependence on imported oil.

The bill establishes a new Renewable Fuel Standard. Starting in 2008, the new renewable fuel standard will require 8.5 billion gallons of renewable fuel. The standard increases gradually to 15 billion gallons per year by 2015. After 2015, a complementary ''advanced biofuel'' standard takes effect. This standard requires 3 billion gallons per year of advanced biofuels in 2016 and increases steadily to reach 21 billion gallons per year in 2022, for a total renewable fuel standard of 36 billion gallons per year in 2022.

The bill includes a number of provisions to expand the renewable transportation fuel infrastructure of the United States. A pilot program for renewable fuel corridors is created. Funding for biofuels research is increased, with new research centers established to include more of the country's diverse biofuels feedstocks. To promote the growth of local biorefineries, a national biorefinery information center is established. Further toward that end, a competitive grant program is established to develop infrastructure to support local biorefineries.

Finally, the bill calls for a number of studies that will explore how we should move forward with biofuels. Studies include: the feasibility of nationwide ethanol blended gasoline at levels between 10 and 25 percent (E10 to E25); the feasibility of dedicated ethanol pipelines; optimization of flex fuels vehicles, which are currently optimized to run on gasoline, to run on E85; an assessment of the state of advanced biofuels technology, in advance of the advanced biofuel standard in 2015; and allowing for renewable fuel standard credit generation through plug in hybrids.

The introduction of this bill is the beginning of what I hope will be a substantive exploration of the comprehensive set of issues surrounding the role of biofuels in meeting our future energy security.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 987

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Biofuels for Energy Security and Transportation Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—RENEWABLE FUEL STANDARD
Sec. 101. Renewable fuel standard.
TITLE II—RENEWABLE FUELS INFRASTRUCTURE
Sec. 201. Infrastructure pilot program for renewable fuels.
Sec. 202. Bioenergy research and development.
Sec. 203. Bioresearch centers for systems biology program.
Sec. 204. Loan guarantees for renewable fuel facilities.
Sec. 205. Grants for renewable fuel production research and development in certain States.
Sec. 206. Grants for infrastructure for transportation of biomass to local biorefineries.
Sec. 207. Biorefinery information center.
Sec. 208. Conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels.
Sec. 209. Alternative fuel database and materials.
Sec. 210. Fuel tank cap labeling requirement.
TITLE III—STUDIES
Sec. 301. Study of advanced biofuels technologies.
Sec. 302. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 303. Pipeline feasibility study.
Sec. 304. Study of optimization of alternative fueled vehicles to use E-85 fuel.
Sec. 305. Study of credits for use of renewable electricity in electric vehicles.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term ''advanced biofuel'' means fuel derived from renewable biomass other than corn kernels.

(B) INCLUSIONS.—The term ''advanced biofuel'' includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn kernels;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and municipal solid waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas produced by the anaerobic digestion or fermentation of organic matter from renewable biomass; and

(vi) butanol produced by the fermentation of renewable biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term ''cellulosic biomass ethanol'' means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term ''conventional biofuel'' means ethanol derived from corn kernels.

(4) RENEWABLE BIOMASS.—

(A) IN GENERAL.—The term ''renewable biomass'' means any organic matter that is available on a renewable or recurring basis.

(B) INCLUSIONS.—The term ''renewable biomass'' includes—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees grown for energy production; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) municipal solid waste.

(C) EXCLUSIONS.—The term ''renewable biomass'' does not include old-growth timber of a forest from the late successional stage of forest development.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term ''renewable fuel'' means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle, boiler, or furnace that would otherwise operate using fossil fuel.

(B) INCLUSION.—The term ''renewable fuel'' includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) SMALL REFINERY.—The term ''small refinery'' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

TITLE I—RENEWABLE FUEL STANDARD

SEC. 101. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel, home heating oil, and boiler fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this subsection are met; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels; and

(iii) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MAXIMUM QUANTITY DERIVED FROM CONVENTIONAL BIOFUEL FEEDSTOCKS.—For the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall not exceed 15,000,000,000 gallons of conventional biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2007 through 2020, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2013.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report

describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2008.

TITLE II—RENEWABLE FUELS INFRASTRUCTURE

SEC. 201. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the ''pilot program''), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain at least 85 percent renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor;

(III) an estimate of the potential petroleum displaced as a result of the project, and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption;

(B) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(C) represent a partnership of public and private entities; and

(D) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 202. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (1), by striking ''$213,000,000'' and inserting ''$326,000,000'';

(2) in paragraph (2), by striking ''$251,000,000'' and inserting ''$377,000,000''; and

(3) in paragraph (3), by striking ''$274,000,000'' and inserting ''$398,000,000''.

SEC. 203. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: '', including the establishment of at least 7 bioresearch centers that focus on biofuels, of which at least 1 center shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts''.

SEC. 204. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

''(f) RENEWABLE FUEL FACILITIES.—

''(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 2 of the Biofuels for Energy Security and Transportation Act of 2007).

''(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

''(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

''(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol.

''(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

''(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

''(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

''(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).''.

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

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

SEC. 205. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a); or

(B) be a consortium of such institutions of higher education, industry, State agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 206. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to local governments and other eligible entities (as determined by the Secretary) (referred to in this section as ''eligible entities'') to promote the development of infrastructure to support the transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 207. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 208. CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS.

(a) DEFINITIONS.—In this section:

(1) APPROVED RENEWABLE FUEL.—The term ''approved renewable fuels'' means an alternative or replacement fuel that—

(A) has been approved under title III of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.); and

(B) is made from renewable biomass.

(2) PRODUCER.—The term ''producer'' means—

(A) a merchant producer;

(B) a farm or dairy cooperative; or

(C) an association of agricultural producers.

(3) WASTE-DERIVED ETHANOL.—The term ''waste-derived ethanol'' means ethanol derived from—

(A) animal waste (including poultry fat and poultry waste) and other waste material; or

(B) municipal solid waste.

(b) CONVERSION ASSISTANCE.—The Secretary may provide grants to producers of cellulosic biomass ethanol, waste-derived ethanol, and approved renewable fuels in the United States to assist the producers in building eligible production facilities described in subsection (c) for the production of ethanol or approved renewable fuels.

(c) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this section if the production facility—

(1) is located in the United States; and

(2) uses renewable biomass.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $400,000,000 for fiscal year 2008;

(2) $500,000,000 for fiscal year 2009; and

(3) $600,000,000 for fiscal year 2010.

SEC. 209. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 210. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking ''The Federal Trade Commission'' and inserting the following:

''(1) IN GENERAL.—The Federal Trade Commission''; and

(2) by adding at the end the following:

''(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.''.

TITLE III—STUDIES

SEC. 301. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 101;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 302. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary (in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation) shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 25 percent, including a study of production and infrastructure constraints on increasing the consumption.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 303. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 304. STUDY OF OPTIMIZATION OF ALTERNATIVE FUELED VEHICLES TO USE E-85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of alternative fueled vehicles by optimizing alternative fueled vehicles to operate using E-85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 305. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term ''electric vehicle'' means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 101(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 101(d).

BY Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 990. A bill to fight criminal gangs; to the Committee on the Judiciary.

Mr. MENDENEZ. Mr. President, today, all across America, organized criminal gangs plague our communities, destroying the lives of thousands of young children and adults each and every year. Unfortunately, this plague is currently not being treated effectively, and as a result has grown in size and power in almost every State in the Nation. In order to effectively counter this growing threat, we cannot continue to believe it is only a State and local issue that predominantly occurs in highly urbanized areas. Instead, we must recognize that it has escalated into a national issue—reaching small rural towns, suburban areas, and big cities alike—and affecting our country as a whole.

In light of this, it is clear that we must recalibrate our efforts and—in addition to our local initiatives—comprehensively confront gang violence at the national level. That is why I rise today, along with my colleague, Senator LAUTENBERG, to introduce the Fighting Gangs and Empowering Youth Act of 2007.

Combining the efforts of Federal, State, and local agencies, this legislation would utilize a multi-pronged approach in order to comprehensively deal with all aspects of gang violence. From rigorously enforcing and appropriately sentencing criminal acts, to exposing and eliminating the root causes of gang pervasiveness, this bill would simultaneously deter gang violence while proactively targeting the sources that have led to its expanding prevalence.

Like most of the problems we face as a society, gang violence can most effectively be handled by addressing its root causes. In order to grow in size and power, gangs need a large, self-replenishing pool of recruits to draw upon. They prey on areas that suffer from high dropout rates, crippling poverty, and rampant unemployment—areas where hope is often in short supply. All

too often children who live in these areas are caught in a tragic web of gang violence simply because they can envision no other alternative.

It is in these circumstances, where a 15-year-old child sees life in a gang as not just their best option, but often their only option—that gang membership thrives. It is in these circumstances, where children do not anticipate living to celebrate their 30th birthday—that gangs flourish. Not only does this environment destroy the life of the individual recruited—it also serves to strengthen the gang, further reinforcing a vicious cycle.

Thus, any effort undertaken to combat gang violence must address the environment that transforms promising, young adolescents into ruthless tools of a criminal enterprise. While we will probably never be able to completely eliminate all acts of violence from our society, there is much we can do to instill in our children the skills they need to pursue a law abiding life. To this end, my legislation would authorize funds for afterschool and community-based programs designed to economically empower young people. Disadvantaged students will be given the opportunity to realize their potential, through tutoring, mentoring, and job training programs as well as college preparation classes and tuition assistance. Additionally, millions of dollars would be authorized to enhance and expand anti-gang and anti-violence programs in elementary and secondary schools, ensuring that students can focus solely on learning, without having to be concerned for their personal safety. By providing ''at-risk'' youth with the resources and opportunities necessary to succeed in life, they will be far less susceptible to the pressures to join a criminal gang.

This bill would also attack one of the roots of gang violence—gang recruiters, who seek out young, economically disadvantaged, at-risk youth and pressure them to join. Currently, there is no Federal law specifically forbidding gang recruitment. This legislation would change that—making it illegal for a gang member to solicit or recruit others into a gang—and would incarcerate an offender for up to 10 years if the person being recruited was 18 or older, or up to 20 years if the individual was under the age of 18. This provision would effectively target the kingpins of gangs, who cowardly order younger members to do their violent bidding, callously sacrificing their lives like pawns on a chessboard.

For those who have made wrong choices in life, but are still capable of rehabilitation, this bill would expand adult and juvenile offender reentry demonstration projects to help with post-release and transitional housing, while promoting programs that hire former prisoners, and establish reentry planning procedures within communities. To be eligible for early release, prisoners with drug addictions would be required to participate in treatment programs both while they are imprisoned as well as during their transition period back into society. All offenders would be encouraged to participate in educational initiatives such as job training, GED preparation, and a myriad of other programs designed to provide offenders with the skills necessary to become legally employed when they are released from prison. By providing such individuals with an alternative choice to a life of crime, lives can be transformed and recidivism rates amongst ex-convicts will be reduced.

In addition to programs focused on gang violence prevention, we must provide law enforcement officials at every level of government with all of the tools and resources necessary for them to safely and effectively protect and serve their communities. All too often these heroic officers are caught in the crossfire of gang violence, and all too often they make the ultimate sacrifice so that others may live.

One tragic example involves the late Detective Kiernan Shields from East Orange, New Jersey. Detective Shields was a rising star in the East Orange Police Department, living his lifelong dream of serving his community as an officer of the peace. He was a devoted, loving husband and proud father of three children, who was remembered by his peers and colleagues not just as a multi-talented person with a great sense of humor, but as the epitome of a role model in an area that desperately needed one. Unfortunately, New Jersey lost one of its bravest and finest sons on the evening of August 7, 2006, when Detective Shields was ruthlessly shotgunned to death by a reputed member of the Bloods gang, as he valiantly ran toward the sound of echoing gunfire—Ran toward the gunfire.

This single act of heroism is consistent with the way police officers across this Nation live their daily lives. These are the people who are fighting day in and day out to keep our communities safe. The best way to honor the victims of gang violence and those who are still fighting it is to fully commit ourselves to eradicating this cancer.

To assist our frontline warriors in their daily struggle against gang violence, my proposal would provide law enforcement officials on every level of government with the resources and information they need to accurately track and effectively neutralize criminal gangs. Specifically, this legislation would establish a program similar to the current Community Oriented Policing Services (COPS) program to augment the number of police officers combating gangs in our local communities, and would authorize $700 million annually for it. Additional funds would be used to provide more forensic examiners to investigate, and more attorneys to prosecute, gang crimes. These measures would show that we pay homage not just with our words, but more importantly, with our actions, as we recognize the heroic deeds performed by law enforcement officials every single day.

As is true with almost all problems, a better understanding of how gangs operate translates into a better understanding of how best to counter them. That is why this bill would authorize additional funding for the National Youth Gang Survey to increase the number of law enforcement agencies whose data is collected and included in the annual survey and provide money to upgrade technology to better identify gang members and include them in the National Gang Database. Additionally, this legislation would expand the Uniform Crime Reports (UCRs) to include local gang and other crime statistics from the municipal level, while also requiring the Attorney General to distinguish those crimes committed by juveniles. The bill also requires consolidation and standardization of criminal databases, enabling law enforcement all across the country to better share information.

For those who still choose a life of crime, this proposal would increase the penalties for crimes committed in the furtherance of a gang. Gangs are dependent on committing crimes such as witness intimidation, illegal firearm possession, and drug trafficking—implementing these violent instruments to augment their power. Subsequently, when these crimes are committed in the furtherance of gang activity, they can be more detrimental to society than if they were committed in isolation. Thus, these tougher sentencing requirements for crimes committed in the furtherance of a gang are not only appropriate, but necessary to deter gang violence and shield society from its most dangerous and unremorseful criminals.

Taken together, the provisions of this bill develop a comprehensive approach to gang violence by focusing on prevention, deterrence, and enforcement. Failure to address all of these gang violence catalysts in their entirety would leave us with an incomprehensive approach that would do little to quell the scourge of gang violence. Therefore, I urge my colleagues to support the Fighting Gangs and Empowering Youth Act, and by doing so, give law enforcement and our communities the means to thoroughly and comprehensively counter the growing specter of gang violence that afflicts our great Nation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 123—REFORMING THE CONGRESSIONAL EARMARK PROCESS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 123

Resolved,

SECTION 1. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''EARMARKS

''1. It shall not be in order to consider——

''(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

''(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

''(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

''2. For the purpose of this rule—

''(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

''(b) the term 'limited tax benefit' means—

''(1) any revenue provision that—

''(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

''(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

''(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

''3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

''4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

''(1) the name of the Member;

''(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

''(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

''(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

''(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

''(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.

''5. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.''.

SENATE RESOLUTION 124—CONGRATULATING THE EUROPEAN UNION ON THE 50TH ANNIVERSARY OF THE SIGNING OF THE TREATY OF ROME CREATING THE EUROPEAN ECONOMIC COMMUNITY AMONG 6 EUROPEAN COUNTRIES AND LAYING THE FOUNDATIONS FOR PEACE, STABILITY, AND PROSPERITY IN EUROPE

Mr. BIDEN submitted the following resolution; which was considered and agreed to:

S. RES. 124

Whereas after a half century of war and upheaval, and in the face of economic and political crises and the threat of communism, European visionaries began a process to bring the countries of Europe into closer economic and political cooperation to help secure peace and prosperity for the peoples of Europe;

Whereas, on March 25, 1957, 6 European countries—the Federal Republic of Germany, France, Italy, Belgium, the Netherlands, and Luxembourg—signed the Treaty of Rome, creating the European Economic Community;

Whereas the Treaty of Rome established a customs union between the signatory countries, but also did much more, creating a framework that has broadened and deepened over time into the European Union, promoting the free movement of people, services, and capital, and common policies among the countries in important areas, and that has helped secure the spread of peace and stability in Europe;

Whereas the European Economic Community expanded to bring more European countries into closer union, with the United Kingdom, Denmark, and Ireland joining in 1973, Greece joining in 1981, and Spain and Portugal joining in 1986;

Whereas the member countries of the European Economic Community agreed to the Single European Act in 1987, paving the way for a single European market, and on February 7, 1992, the member countries of the European Community signed the Treaty of Maastricht, furthering the economic and political ties among the member countries and creating the European Union;

Whereas the European Union has continued to grow so that the European Union now comprises 27 countries with a population of over 450,000,000, after the successful unification of Germany in 1990 and the joining of Austria, Finland, and Sweden in 1995, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia in 2004, and Bulgaria and Romania in 2007, and the European Union continues to consider expanding to include other countries central to the history and future of Europe;

Whereas the European Union has developed a broad acquis communautaire covering policies in the economic, security, diplomatic, and political areas, has established a single market, has built an economic and monetary union, including the Euro currency, and has built an area of freedom, security, peace, and justice, extending stability to its neighbors;

Whereas the European Union played a key role at the end of the Cold War in helping to spread free markets, democratic institutions and values, and respect for human rights to the former central European communist states;

Whereas the United States and the European Union have shared a unique partnership based on a common heritage, shared values, and mutual interests, and have worked together to strengthen international cooperation and institutions, to create a more open international trading system, to ensure transatlantic and global security, to preserve and promote peace, freedom, and democracy, and to advance human rights; and

Whereas the United States has supported the European integration process and has consistently supported the objective of European unity and the enlargement of the European Union to promote prosperity, peace, and democracy: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the European Union and the member countries of the European Union on the 50th anniversary of the historic signing of the Treaty of Rome;

(2) commends the European Union for the critical role it and its predecessor organizations have played in spreading peace, stability, and prosperity throughout Europe; and

(3) affirms the desire of the United States to strengthen the transatlantic partnership with the European Union and with all of its member countries.

AMENDMENTS SUBMITTED AND PROPOSED

SA 641. Mr. BYRD proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

SA 642. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 643. Mr. COCHRAN (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WARNER, Mr. STEVENS, Mr. BROWNBACK, Mr. SHELBY, Mr. CRAIG, Mr. ALLARD, Mr. BENNETT, and Mr. ENZI) proposed an amendment to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, supra.

SA 644. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 645. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 646. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 647. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 641. Mr. BYRD proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $475,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1101. There is hereby appropriated $82,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided,* That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $500,000, to remain available until September 30, 2008.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $4,093,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for ''Salaries and Expenses, United States Marshals Service'', $25,000,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses,'' $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $348,260,000, of which $338,260,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, ''A Review of the Federal Bureau of Investigation's Use of National Security Letters''.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $25,100,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $17,000,000, to remain available until September 30, 2008.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $8,870,270,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,100,410,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,495,827,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,218,587,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $77,523,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $9,073,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $474,978,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $41,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $20,373,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $4,865,003,000, of which $120,293,000 shall be transferred to Coast Guard, ''Operating Expenses'', for reimbursement for activities in support of activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,101,594,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $6,685,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,790,669,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided,* That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $74,049,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $111,066,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $13,591,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $38,429,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $5,906,400,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for ''Iraq Security Forces Fund'', $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $455,600,000, to remain available for transfer until September 30, 2008.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,432,800,000, to remain available until September 30, 2009.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,400,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $10,589,272,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $963,903,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $722,506,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,703,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,431,756,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $78,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,972,131,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $903,092,000, to remain available until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $1,000,000,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $125,576,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $308,212,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $233,869,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $522,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,000,000.

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,315,526,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $2,466,847,000; of which $2,277,147,000 shall be for operation and maintenance; of which $118,000,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $71,700,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $254,665,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and Central Asia: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for ''Intelligence Community Management Account'', $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the ''Joint Improvised Explosive Device Defeat Fund'' and the ''Iraq Security Forces Fund'' under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operations and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this chapter may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1309. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking ''$310,277,000'' and inserting ''$376,446,000''.

SEC. 1310. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1311. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1312. Section 9007 of Public Law 109–289 is amended by striking ''20'' and inserting ''287''.

SEC. 1313. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL. (a) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of non-military medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to Congress a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1314. From funds made available for the ''Iraq Security Forces Fund'' for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1315. REVISION OF UNITED STATES POLICY ON IRAQ. (a) FINDINGS.—Congress makes the following findings:

(1) Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq.

(2) The circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) have changed substantially.

(3) United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution.

(4) United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror.

(b) PROMPT COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—

(1) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting United States and coalition personnel and infrastructure.

(B) Training and equipping Iraqi forces.

(C) Conducting targeted counter-terrorism operations.

(3) COMPREHENSIVE STRATEGY.—Paragraph (2) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(4) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this subsection, as well as a classified campaign plan for Iraq, including strategic and operational benchmarks and projected redeployment dates of United States forces from Iraq.

(c) BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) achieving success in Iraq is dependent on the Government of Iraq meeting specific benchmarks, as reflected in previous commitments made by the Government of Iraq, including—

(i) deploying trained and ready Iraqi security forces in Baghdad;

(ii) strengthening the authority of Iraqi commanders to make tactical and operational decisions without political intervention;

(iii) disarming militias and ensuring that Iraqi security forces are accountable only to the central government and loyal to the constitution of Iraq;

(iv) enacting and implementing legislation to ensure that the energy resources of Iraq benefit all Iraqi citizens in an equitable manner;

(v) enacting and implementing legislation that equitably reforms the de-Ba'athification process in Iraq;

(vi) ensuring a fair process for amending the constitution of Iraq so as to protect minority rights; and

(vii) enacting and implementing rules to equitably protect the rights of minority political parties in the Iraqi Parliament; and

(B) each benchmark set forth in subparagraph (A) should be completed expeditiously and pursuant to a schedule established by the Government of Iraq.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces-Iraq shall submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq in meeting the benchmarks set forth in paragraph (1)(A).

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $63,000,000.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $140,000,000, to remain available until September 30, 2008.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', for air and marine operations on the Northern Border and the Great Lakes, including the final Northern Border air wing, $75,000,000, to remain available until September 30, 2008.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $20,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for ''Aviation Security'', $660,000,000; of which $600,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; and $60,000,000 shall be for air cargo security, to remain available until September 30, 2008.

FEDERAL AIR MARSHALS

For an additional amount for ''Federal Air Marshals'', $15,000,000, to remain available until September 30, 2008.

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For an additional amount for ''Office of the Chief Medical Officer'' for nuclear preparedness and other activities, $18,000,000, to remain available until September 30, 2008.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for ''Infrastructure Protection and Information Security'' for chemical site security activities, $18,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for ''Administrative and Regional Operations'' for necessary expenses related to title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq. (as amended by section 611 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note; Public Law 109–295))), $20,000,000, to remain available until September 30, 2008: *Provided,* That none of the funds available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure.

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $850,000,000; of which $190,000,000 shall be for port security pursuant to section 70107(l) of title 46 United States Code; $625,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; and $35,000,000 shall be for regional grants and technical assistance to high risk urban areas for catastrophic event planning and preparedness: *Provided,* That none of the funds made available under this heading may be obligated for such regional grants and technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further,* That funds for such regional grants and technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for ''Emergency Management Performance Grants'' for necessary expenses related to the Nationwide Plan Review, $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of ''United States Citizenship and Immigration Services'' to address backlogs of security checks associated with pending applications and petitions, $30,000,000, to remain available until September 30, 2008: *Provided,* That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for ''Research, Development, Acquisition, and Operations'' for air cargo research, $15,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for ''Research, Development, and Operations'' for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 1502. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

''(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.''.

CHAPTER 6

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,261,390,000, to remain available until September 30, 2008: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further,* That of the funds provided under this heading, $280,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $347,890,000, to remain available until September 30, 2008: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $34,700,000, to remain available until September 30, 2008: *Provided,* That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 7

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $815,796,000, to remain available until September 30, 2008, of which $70,000,000 for World Wide Security Upgrades is available until expended: *Provided,* That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further,* That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further,* That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from

amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading ''Emergencies in the Diplomatic and Consular Service'' for emergency evacuations: *Provided further,* That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $36,500,000, to remain available until December 31, 2008: *Provided,* That of the funds appropriated under this heading, not less than $1,500,000 shall be made available for activities related to oversight of assistance furnished for Iraq and Afghanistan with funds appropriated in this Act and in prior appropriations Acts: *Provided further,* That $35,000,000 of these funds shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $25,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $59,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $200,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

FOREIGN OPERATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for ''Child Survival and Health Programs Fund'', $161,000,000, to remain available until September 30, 2008: *Provided,* That notwithstanding any other provision of law, funds made available under the heading ''Millennium Challenge Corporation'' and ''Global HIV/AIDS Initiative'' in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for ''International Disaster and Famine Assistance'', $187,000,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for internally displaced persons in Iraq, not less than $18,000,000 shall be made available for emergency shelter, fuel and other assistance for internally displaced persons in Afghanistan, not less than $10,000,000 shall be made available for assistance for northern Uganda, not less than $10,000,000 shall be made available for assistance for eastern Democratic Republic of the Congo, and not less than $10,000,000 shall be made available for assistance for Chad.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $5,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2008: *Provided,* That of the funds appropriated under this heading, not less than $3,000,000 shall be made available for activities related to oversight of assistance furnished for Iraq with funds appropriated in this Act and in prior appropriations Acts, and not less than $1,000,000 shall be made available for activities related to oversight of assistance furnished for Afghanistan with funds appropriated in this Act and in prior appropriations Acts.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,602,200,000, to remain available until September 30, 2008: *Provided,* That of the funds appropriated under this heading that are available for assistance for Iraq, not less than $100,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: *Provided further,* That of the funds appropriated under this heading that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available to the United States Agency for International Development for continued support for its Afghan Civilian Assistance Program: *Provided further,* That of the funds appropriated under this heading, not less than $6,000,000 shall be made available for assistance for elections, reintegration of ex-combatants, and other assistance to support the peace process in Nepal: *Provided further,* That of the funds appropriated under this heading, not less than $3,200,000 shall be made available, notwithstanding any other provision of law, for assistance for Vietnam for environmental remediation of dioxin storage sites and to support health programs in communities near those sites: *Provided further,* That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from other governments, multilateral organizations, and private sources: *Provided further,* That of the funds made available under this heading, not less than $6,000,000 shall be made available for typhoon reconstruction assistance for the Philippines: *Provided further,* That of the funds made available under this heading, not less than $110,000,000 shall be made available for assistance for Pakistan, of which not less than $5,000,000 shall be made available for political party development and election monitoring activities: *Provided further,* That of the funds appropriated under this heading, not less than $2,000,000 shall be made available to support the peace process in northern Uganda: *Provided further,* That of the funds made available under the heading ''Economic Support Fund'' in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

DEPARTMENT OF STATE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for ''Assistance for Eastern Europe and the Baltic States'', $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $465,000,000, to remain available until September 30, 2008: *Provided,* That of the funds appropriated under this heading, not less than $385,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for democracy, human rights, and rule of law programs in Iraq: *Provided further,* That prior to the initial obligation of funds made available under this heading for Iraq for the Political Participation Fund or the National Institutions Fund, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq: *Provided further,* That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for media and reconciliation programs in Somalia.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $210,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $143,000,000, to remain available until September 30, 2008: *Provided,* That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for Iraqi refugees including not less than $5,000,000 to rescue Iraqi scholars, and not less than $18,000,000 shall be made available for assistance for Afghan refugees.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $27,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE PROGRAM

For an additional amount for ''International Affairs Technical Assistance'', $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $220,000,000, to remain available until September 30, 2008, for assistance for Lebanon.

PEACEKEEPING OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Peacekeeping Operations'', $323,000,000, to remain available until September 30, 2008, of which up to $128,000,000 may be transferred, subject to the regular notification procedures of the Committees on Appropriations, to ''Contributions to International Peacekeeping Activities'', to be made available, notwithstanding any other provision of law, for assessed costs of United Nations Peacekeeping Missions: *Provided,* That of the funds appropriated under this heading, not less than $45,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1701. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 1702. Section 1302(a) of Public Law 109–234 is amended by striking ''one additional year'' and inserting in lieu thereof ''two additional years''.

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1703. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting ''or fiscal year 2007'' after ''fiscal year 2006''.

DEBT RESTRUCTURING

SEC. 1704. Amounts appropriated for fiscal year 2007 for ''Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring'' may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

JORDAN

(INCLUDING TRANSFER OF FUNDS)

SEC. 1705. Of the funds appropriated by this Act for assistance for Iraq under the heading ''Economic Support Fund'' that are available to support Provincial Reconstruction Team activities, up to $100,000,000 may be transferred to, and merged with, funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Nonproliferation, Anti-terrorism, Demining and Related Programs'' for assistance for Jordan: *Provided,* That funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LEBANON

SEC. 1706. Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings ''Foreign Military Financing Program'' and ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity: *Provided,* That this section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007, as amended.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1707. The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1708. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the ''Inspector General'') may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 2 additional years.

(3) Not more than 20 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2008. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 1709. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

''Diplomatic and Consular Programs''.

''Educational and Cultural Exchange Programs''.

''International Disaster and Famine Assistance''.

''Economic Support Fund''.

''Assistance for Eastern Europe and Baltic States''.

''Democracy Fund''.

''Migration and Refugee Assistance''.

''Nonproliferation, Anti-Terrorism, Demining and Related Programs''.

''Peacekeeping Operations''.

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

BENCHMARKS FOR CERTAIN RECONSTRUCTION ASSISTANCE FOR IRAQ

SEC. 1710. (a) BENCHMARKS.—Notwithstanding any other provision of law, fifty percent of the funds appropriated by this Act for assistance for Iraq under the headings ''Economic Support Fund'' and ''International Narcotics and Law Enforcement'' shall be withheld from obligation until the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has—

(1) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(2) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(3) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(4) amended the Constitution of Iraq consistent with the principles contained in Article 137 of such constitution; and

(5) allocated and begun expenditure of $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(b) EXEMPTIONS.—The requirement to withhold funds from obligation pursuant to subsection (a) shall not apply with respect to funds made available under the heading ''Economic Support Fund'' that are administered by the United States Agency for International Development for continued support for the Community Action Program, assistance for civilian victims of the military operations, and the Community Stabilization Program in Iraq, or for programs and activities to promote democracy, governance, human rights, and rule of law.

(c) REPORT.—At the time the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has met the benchmarks described in subsection (a), the President shall submit to such Committees a report that contains a detailed description of the specific actions that the Government of Iraq has taken to meet each of the benchmarks referenced in the certification.

RELIEF FOR IRAQI, HMONG AND OTHER REFUGEES WHO DO NOT POSE A THREAT TO THE UNITED STATES

SEC. 1711. (a) AMENDMENT TO AUTHORITY TO DETERMINE THE BAR TO ADMISSION INAPPLICABLE.—Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows: ''The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney

General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or non-statutory), including but not limited to section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 242 and only to the extent provided in section 242(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of title 8.''.

(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi) in the matter preceding section (I), by striking ''As'' and inserting ''Except as provided in clause (vii), as''; and

(2) by adding at the end the following new clause:

''(vii) Notwithstanding clause (vi), for purposes of this section the Hmong, the Montagnards, the Karen National Union/Karen Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of enactment of this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State and Secretary of Homeland Security to exercise their discretionary authority pursuant to 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)).''.

(c) DURESS EXCEPTION.—Section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)) is amended by adding ''other than an act carried out under duress'' after ''act'' and before ''that the actor knows''.

(d) TECHNICAL CORRECTION.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking ''Subclause (VII)'' and inserting ''Subclause (IX)''.

(e) REGULATIONS.—Section 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)) is amended by adding the following subsection:

''(iii) Not later than 180 days after the date of enactment of this Act, the Secretary of the Department of Homeland Security and Secretary of State shall each publish in the Federal Register regulations establishing the process by which the eligibility of a refugee, asylum seeker, or individual seeking to adjust his immigration status is considered eligible for any of the exceptions authorized by clause (i), including a timeline for issuing a determination.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and sections 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by these sections, shall apply to—

(1) removal proceedings instituted before, on, or after the date of enactment of this section; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1712. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the headings ''International Disaster and Famine Assistance'', ''Office of the United States Agency for International Development Inspector General'', and ''Office of the Inspector General'': *Provided,* That funds appropriated under the headings in this chapter, except for funds appropriated under the headings named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE II

KATRINA RECOVERY, VETERANS' CARE AND FOR OTHER PURPOSES

CHAPTER 1

GENERAL PROVISION—THIS CHAPTER

EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM

SEC. 2101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking ''During calendar year 2006, the'' and inserting ''The''.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, notwithstanding the provisions of section 511 of said Act, $170,000,000, to remain available until September 30, 2008: *Provided,* That of the amount made available under this heading, $70,000,000 shall be for local law enforcement initiatives in the gulf coast region related to the aftermath of Hurricanes Katrina and Rita, of which no less than $55,000,000 shall be for the State of Louisiana: *Provided further,* That of the amount made available under this heading, $100,000,000 shall be for reimbursing State and local law enforcement entities for security and related costs, including overtime, associated with the 2008 Presidential Candidate Nominating Conventions, of which $50,000,000 shall be for the city of Denver, Colorado and $50,000,000 shall be for the city of St. Paul, Minnesota: *Provided further,* That the Department of Justice shall report to the Committees on Appropriations of the House and the Senate on a quarterly basis on the expenditure of the funds provided in the previous proviso.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', for necessary expenses related to fisheries disasters, $165,900,000, to remain available until September 30, 2008: *Provided,* That of the amount provided under this heading, the National Marine Fisheries Service shall cause $60,400,000 to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006: *Provided further,* That of the amount provided under this heading, $105,500,000 shall be for necessary expenses related to the consequences of Hurricanes Katrina and Rita on shrimp and fishing industries.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'', for necessary expenses related to disaster response and preparedness of the Gulf of Mexico coast, $6,000,000, to remain available until September 30, 2008.

FISHERIES DISASTER MITIGATION FUND

For an additional amount for a ''Fisheries Disaster Mitigation Fund'', $50,000,000, to remain available until expended for use in mitigating the effects of commercial fisheries failures and fishery resource disasters as determined under the Magnuson Stevens Act (16 U.S.C. 1801 et seq.) or the Interjurisdictional Fisheries Act (16 U.S.C. 4101 et seq.): *Provided,* That the Secretary of Commerce shall obligate funds provided under this heading according to the Magnuson Stevens Conservation Act, as amended, the Interjurisdictional Fisheries Act, as amended, or other Acts as the Secretary determines to be appropriate.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $150,000,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,557,700,000, to remain available until expended: *Provided,* That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations in existence at the time of construction of the enhancements for the West Bank

and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading ''Flood Control and Coastal Emergencies'', in chapter 3 of Public Law 109–148: *Provided further*, That $150,000,000 of the amount provided may be used to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled ''Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi'': *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing any lands, easements, rights-of-way, disposal areas, and relocations required for construction of the project and for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

DEPARTMENT OF INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 2302. The limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2008 to any water resources project for which funds were made available during fiscal year 2007.

SEC. 2303. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading ''Flood Control and Coastal Emergencies'' for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized. Reallocation of funds in excess of $250,000,000 or 50 percent, whichever is less, of the individual amounts specified in chapter 3 of Public Law 109–234 require notifications of the House and Senate Committees on Appropriation.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Loans Program Account'' for administrative expenses to carry out the disaster loan program, $25,069,000, to remain available until expended, which may be transferred to and merged with ''Small Business Administration, Salaries and Expenses''.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. ECONOMIC INJURY DISASTER LOANS. (a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''covered small business concern'' means a small business concern—

(A) that is located in any area in Louisiana or Mississippi for which the President declared a major disaster because of Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(B) that has not more than 50 full-time employees; and

(C) that—

(i)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005, because of a reduction in travel or tourism to the area described in subparagraph (A); and

(II) demonstrates that, during the 1-year period ending on August 28, 2005, not less than 45 percent of the revenue of that small business concern resulted from tourism or travel related sales; or

(ii)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(II) operates in a parish or county for which the population on the date of enactment of this Act, as determined by the Administrator, is not greater than 75 percent of the population of that parish or county before August 28, 2005, based on the most recent United States population estimate available before August 28, 2005;

(3) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(4) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) APPROPRIATION.—

(1) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated, $25,000,000 to the Administrator, which, except as provided in paragraph (2) or (3), shall be used for loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to covered small business concerns.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), not more than $8,750,000 may be transferred to and merged with ''Salaries and Expenses'' to carry out the disaster loan program of the Small Business Administration.

(3) OTHER USES OF FUNDS.—The Administrator may use amounts made available under paragraph (1) for other purposes authorized for amounts in the ''Disaster Loans Program Account'' or transfer such amounts to and merge such amounts with ''Salaries and Expenses'', if—

(A) such amounts are—

(i) not obligated on the later of 5 months after the date of enactment of this Act and August 29, 2007; or

(ii) necessary to provide assistance in the event of a major disaster; and

(B) not later than 5 days before any such use or transfer of amounts, the Administrator provides written notification of such use or transfer to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

SEC. 2402. OTHER PROGRAMS. (a) HUBZONES.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''or'';

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

(C) by adding at the end the following:

''(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8).''; and

(2) by adding at the end the following:

''(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

''(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

''(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.''.

(b) RELIEF FROM TEST PROGRAM.—Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking ''The Program'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Program''; and

(2) by adding at the end the following:

''(2) EXCEPTION.—

''(A) IN GENERAL.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005 during the time period described in subparagraph (B).

''(B) TIME PERIOD.—The time period for the purposes of subparagraph (A)—

''(i) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

''(ii) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.''.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,310,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Alabama, and Texas in connection with Hurricanes Katrina and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and

5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(2) LIMITATION.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which applications have been prepared for the Federal Emergency Management Agency before the date of enactment of this Act.

SEC. 2502. (a) Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking ": *Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled".

(b) Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading "Disaster Assistance Direct Loan Program Account" under the heading "Federal Emergency Management Agency" under the heading "Department of Homeland Security", by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

SEC. 2503. Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 460) is amended by striking "12 months" and inserting "24 months".

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $15,000,000, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further*, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further*, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from foreign drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000 to be used to cover any shortfall for payments made under this section.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

SEC. 2602. Disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund," for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided*, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, that the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided*, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $320,000,000.

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $320,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $820,000,000, to remain available until expended: *Provided*, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate,

to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $50,000,000, to remain available until expended.

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 (''HEA'') for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: ''With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008.''

(INCLUDING RESCISSION)

SEC. 2702. (a) From unexpended balances of the amounts made available in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) for the Employment Training Administration, Training and Employment Services under the Department of Labor, $3,589,000 are rescinded.

(b) For an additional amount for the Centers for Disease Control and Prevention for carrying out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $3,589,000.

SEC. 2703. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading ''Social Services Block Grant'' in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2008.

SEC. 2704. ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007. (a) ELIMINATION OF REMAINDER OF FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking ''REMAINDER OF REDUCTION'' and inserting ''PART''; and

(2) by striking paragraph (4) and inserting the following:

''(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

''(A) IN GENERAL.—The Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

''(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

''(ii) the amount of the State's allotment for fiscal year 2007; and

''(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).

''(C) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.''.

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking ''subject to paragraph (4)(B) and'';

(2) in paragraph (2)(B), by striking ''subject to paragraph (4)(B) and'';

(3) in paragraph (5)(A), by striking ''and (3)'' and inserting ''(3), and (4)''; and

(4) in paragraph (6)—

(A) in the first sentence__

(i) by inserting ''or allotted'' after ''redistributed''; and

(ii) by inserting ''or allotments'' after ''redistributions''; and

(B) by striking ''and (3)'' and inserting ''(3), and (4)''.

(c) GENERAL EFFECTIVE DATE; APPLICABILITY.—Except as otherwise provided, the amendments made by this section take effect on the date of enactment of this Act and apply without fiscal year limitation.

SEC. 2705. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 2 years after the date of enactment of this Act, take any action to finalize, or otherwise implement provisions—

(1) contained in the proposed rule published on January 18, 2007, on pages 2236 through 2258 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act in a similar manner; or

(2) restricting payments for graduate medical education under the Medicaid program.

(b) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)(i)) is amended—

(1) in subclause (IV), by striking ''and'' after the semicolon;

(2) in subclause (V)—

(A) by inserting ''and before April 1, 2007,'' after ''1995,''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(VI) after March 31, 2007, is 20 percent.''.

SEC. 2706. (a) For grant years beginning in 2006–2007, the Secretary of Health and Human Services may waive the requirements of, with respect to Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas, the following sections of the Public Health Service Act:

(1) Section 2612(e)(1) of such Act (42 U.S.C. 300ff–21(b)(1)).

(2) Section 2617(b)(7)(E) of such Act (42 U.S.C. 300ff–27(b)(7)(E)).

(3) Section 2617(d) of such Act (42 U.S.C. 300ff–27(d)), except that such waiver shall apply so that the matching requirement is reduced to $1 for each $4 of Federal funds provided under the grant involved.

(b) If the Secretary of Health and Human Services grants a waiver under subsection (b), the Secretary—

(1) may not prevent Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas from receiving or utilizing, or both, funds granted or distributed, or both, pursuant to title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) because of the failure of Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas to comply with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a);

(2) may not take action due to such noncompliance; and

(3) shall assess, evaluate, and review Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area's eligibility for funds under such title XXVI as if Louisiana, Mississippi, Alabama, and Texas or such eligible metropolitan area had fully complied with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a).

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for ''Capitol Power Plant'', $25,000,000, for emergency utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Government Accountability Office, $374,000, to remain available until expended.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Air Force Reserve'', $3,096,000, to remain available until September 30, 2011: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

Of the funds appropriated for ''Military Construction, Air Force Reserve'' under Public Law 109–114, $3,096,000 are hereby rescinded.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for ''Medical Services'', $454,131,000, to remain available until expended, of which $50,000,000 shall be for the establishment of new Level I comprehensive polytrauma centers; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $20,000,000 shall be for additional transition caseworkers; $30,000,000 shall be for substance abuse treatment programs; $20,000,000 for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 for additional polytrauma points of contacts; and $201,335,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans.

MEDICAL ADMINISTRATION

For an additional amount for ''Medical Administration'', $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for ''Medical Facilities'', $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma rehabilitation centers and the polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner outside of the Veterans Equitable Resource Allocation and specific to the needs and geographic distribution of Operation Enduring Freedom and Operation Iraqi Freedom veterans: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for non-recurring maintenance prior to obligation.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for ''Medical and Prosthetic Research'', $30,000,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $46,000,000, to remain available until expended, for the hiring and training of new pension and compensation claims processing personnel.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $36,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of OIF/OEF veterans benefits claims, including making electronic DOD medical records available for claims processing and enabling electronic benefits applications by veterans; $1,000,000 shall be for the digitization of benefits records; and $15,100,000 shall be for electronic data breach and remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for ''Construction, Minor Projects'', $355,907,000, to remain available until expended, of which $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2901. (a) Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to downsize staff or to close, realign or phase out essential services at Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped, and until the Secretary of Defense has certified in writing to the Congress that:

(1) the new facilities at Walter Reed National Military Medical Center at Bethesda and/or the Fort Belvoir Community Hospital are complete and fully operational, and

(2) replacement medical facilities at Walter Reed National Military Medical Center at Bethesda have adequate capacity to meet both the existing and projected demand for complex medical care and services, including outpatient and medical hold facilities, for combat veterans and other military personnel.

(b) Not later than 30 days after enactment of this Act, the Secretary of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives a report and proposed timetable outlining the Department's plan to transition patients, staff and medical services to the new facilities at Bethesda and Fort Belvoir without compromising patient care, staffing requirements or facility maintenance at the Walter Reed Medical Center.

(c) To ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to continue the maximum level of inpatient and outpatient services.

SEC. 2902. Within existing funds appropriated to Departmental Administration, General Operating Expenses for fiscal year 2007, and within 30 days after enactment of this Act, the Department of Veterans Affairs shall contract with the National Academy of Public Administration for the purpose of conducting an independent study and analysis of the organizational structure, management and coordination processes, including Seamless Transition, utilized by the Department of Veterans affairs to:

(1) provide health care to active duty and veterans of Operation Enduring Freedom and Operation Iraqi Freedom; and

(2) provide benefits to veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

SEC. 2903. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $388,903,000, to remain available until expended: *Provided*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $388,903,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That section 4103 of title III of this Act shall not apply to the first proviso under this paragraph.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $75,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3001. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is or has been damaged, destroyed, abandoned, or discontinued as a result of a hurricane that is determined to be an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign, and said sign is located within a State found within Federal Emergency Management Agency Region IV or VI. The provisions of this section shall cease to be in effect twenty-four months following the date of enactment of this Act.

SEC. 3002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: '': *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies that are eligible for

assistance under section 901 in Public Law 109–148 (119 Stat. 2781) shall receive funding for calendar year 2007 based on the amount such public housing agencies were eligible to receive in calendar year 2006''.

TITLE III

OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' of the Farm Service Agency, $75,000,000, to remain available until expended: *Provided*, That this amount shall only be available for the modernization and repair of the computer systems used by the Farm Service Agency (including all software, hardware, and personnel required for modernization and repair): *Provided further*, That of this amount $27,000,000 shall be made available 60 days after the date on which the Farm Service Agency submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office a spending plan for the funds.

GENERAL PROVISIONS—THIS CHAPTER

(RESCISSION)

SEC. 3101. Of the unobligated balances of funds made available pursuant to section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401G(a)), $75,000,000 are rescinded.

SEC. 3102. (a) Section 1237A(f) of the Food Security Act of 1985 (16 U.S.C. 3837a(f)) is amended in the first sentence by striking ''fair market value of the land less the fair market value of such land encumbered by the easement'' and inserting ''fair market value of the land as determined in accordance with the method of valuation used by the Secretary as of January 1, 2003''.

(b) Section 1238I(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3838i(c)(1)) is amended by inserting at the end the following:

''(C) VALUATION.—The Secretary shall determine fair market value under this paragraph in accordance with the method of valuation used by the Secretary as of January 1, 2003.''.

SEC. 3103. Subsection (b)(1) of section 313A of the Rural Electrification Act shall not apply in the case of a cooperative lender that has previously received a guarantee under section 313A and such additional guarantees shall not exceed the amount provided for in Public Law 110–5.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3201. Section 20314 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by striking ''Resources.'' and inserting in lieu thereof: ''Resources: *Provided*, That $22,762,000 of the amount provided be for geothermal research and development activities.''.

SEC. 3202. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 3203. PROHIBITION ON CERTAIN USES OF FUNDS BY BPA. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the ''Administrator'') or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 3302. Funds made available in section 21075 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) shall be made available to a 501(c)(3) entity: (1) with a wide anti-drug coalition network and membership base, and one with a demonstrated track record and specific expertise in providing technical assistance, training, evaluation, research, and capacity building to community anti-drug coalitions; (2) with authorization from Congress, both prior to fiscal year 2007, and in fiscal years 2008 through 2012, to perform the duties described in subsection (1) of this section; and (3) that has previously received funding from Congress, including through a competitive process as well as direct funding, for providing the duties described in subsection (1) of this section: *Provided*, That funds appropriated in section 21075 shall be obligated within sixty days after enactment of this Act.

SEC. 3303. Funds made available under section 613 of Public Law 109–108 (119 Stat. 2338) for Nevada's Commission on Economic Development shall be made available to the Nevada Center for Entrepreneurship and Technology (CET).

SEC. 3304. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 3305. None of the funds appropriated or otherwise made available in section 21063 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the ''General Services Administration, Real Property Activities, Federal Buildings Fund'', may be obligated for design, construction, or acquisition until the House and Senate Committees on Appropriations approve a revised detailed plan, by project, on the use of such funds: *Provided*, That the new plan shall include funding for completion of courthouse construction projects which received funding in fiscal year 2006 above a level of $5,000,000: *Provided further*, That such plan shall be provided by the Administrator of the General Services Administration to the House of Representatives and the Senate Committees on Appropriations within seven days of enactment.

SEC. 3306. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 3307. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House of Representatives Committee on Appropriations, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an unclassified report, suitable to be made public, that contains the names of (1) all companies trading in securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals; and (2) the names of all other companies, which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 20 days after enactment, the Secretary of the Treasury shall inform the aforementioned committees of Congress of any statutory or other legal impediments to the successful completion of this report.

(c) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress of the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 3308. (a) Of the funds provided for the General Services Administration, ''Office of Inspector General'' in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $8,000,000 are rescinded.

(b) For an additional amount for the General Services Administration, ''Office of Inspector General'', $8,000,000, to remain available until September 30, 2008.

SEC. 3309. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

''(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.''.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Any unobligated balances remaining from prior appropriations for United States Coast Guard, ''Retired Pay'' shall remain available until expended in the account

and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 3402. INTEGRATED DEEPWATER SYSTEM. (a) COMPETITION FOR ACQUISITION AND MODIFICATION OF ASSETS.—

(1) IN GENERAL.—The Commandant of the Coast Guard shall utilize full and open competition for any contract entered into after the date of enactment of this Act that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater System Program of the Coast Guard.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

(A) The acquisition or modification of the following asset classes for which assets of the class and related systems and components under the Integrated Deepwater System are under a contract for production:

(i) National Security Cutter;

(ii) Maritime Patrol Aircraft;

(iii) Deepwater Command, Control, Communications, Computer, Intelligence, Surveillance, and Reconnaissance (C4ISR) System; and

(iv) HC–130J Fleet Introduction.

(B) The modification of any legacy asset class under the Integrated Deepwater System Program being performed by a Coast Guard entity.

(b) CHAIR OF PRODUCT AND OVERSIGHT TEAMS.—The Commandant of the Coast Guard shall assign an appropriate officer or employee of the Coast Guard to act as chair of each of the following:

(1) Each integrated product team under the Integrated Deepwater System Program.

(2) Each higher-level team assigned to the oversight of a product team referred to in paragraph (1).

(c) LIFE-CYCLE COST ESTIMATE.—The Commandant of the Coast Guard may not enter into a contract for lead asset production under the Integrated Deepwater System Program until the Commandant obtains an independent estimate of life-cycle costs of the asset concerned.

(d) REVIEW OF ACQUISITIONS AND MAJOR DESIGN CHANGES.—

(1) IN GENERAL.—With the exception of assets covered under (a)(2) of this section, the Commandant of the Coast Guard may not carry out an action described in paragraph (2) unless an independent third party with no financial interest in the development, construction, or modification of any component of the Integrated Deepwater System Program, selected by the Commandant for purposes of the subsection, determines that such action is advisable.

(2) COVERED ACTIONS.—The actions described in the paragraph are as follows:

(A) The acquisition or modification of an asset under the Integrated Deepwater System Program.

(B) The implementation of a major design change for an asset under the Integrated Deepwater System Program.

(e) LINKING OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—The Commandant of the Coast Guard shall require that all contracts under the Integrated Deepwater System Program that provide award fees link such fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(f) CONTRACTUAL AGREEMENTS.—

(1) IN GENERAL.—The Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under the Integrated Deepwater System Program unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions.

(2) EXCEPTION.—A contract, task or delivery order, letter contract, modification thereof, or other similar contract described in paragraph (1) may be awarded or issued if the head of contracting activity of the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(g) DESIGNATION OF TECHNICAL AUTHORITY.—The Commandant of the Coast Guard shall designate the Assistant Commandant of the Coast Guard for Engineering and Logistics as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater System Program.

(h) REPORT ON PERSONNEL REQUIRED FOR ACQUISITION MANAGEMENT.—Not later than 30 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater System Program.

(i) COMPTROLLER GENERAL REPORT ON PROGRESS.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress of the Coast Guard in complying with the requirements of this section.

SEC. 3403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: ''; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109-54''.

SEC. 3502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: '', of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required''.

SEC. 3503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after $55,663,000: ''of which $13,000,000 shall be for Save America's Treasures''.

SEC. 3504. Of the funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading ''Land Acquisition'', not to exceed $1,980,000 may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

SEC. 3505. The Administrator of the Environmental Protection Agency shall grant to the Water Environment Research Foundation (WERF) such sums as were directed in fiscal year 2005 and fiscal year 2006 for the On-Farm Assessment and Environmental Review program: *Provided*, That not less than 95 percent of funds made available shall be used by WERF to award competitively a contract to perform the program's environmental assessments: *Provided further*, That WERF shall not retain more than 5 percent of such sums for administrative expenses.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 for ''National Institute of Allergy and Infectious Diseases'', $49,500,000 shall be transferred to ''Public Health and Social Services Emergency Fund'' to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 3601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after ''$5,000,000'': ''(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost)''.

SEC. 3602. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking ''$7,172,994,000'' and inserting ''$7,176,431,000'';

(2) amending subparagraph (A) to read as follows:

''(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;''; and

(3) amending subparagraph (C) to read as follows:

''(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;''.

SEC. 3603. (a) From the amounts available for Department of Education, Safe Schools and Citizenship Education as provided by the Continuing Appropriations Resolution, 2007, $321,500,000 shall be available for Safe and Drug-Free Schools State Grants and $247,335,000 shall be available for Safe and Drug-Free Schools National Programs.

(b) Of the amount available for Safe and Drug-Free National Programs, not less than $25,000,000 shall be for competitive grants to local educational agencies to address youth violence and related issues.

(c) The competition under subsection (b) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

SEC. 3604. The provision in the first proviso under the heading ''Rehabilitation Services and Disability Research'' in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

(TRANSFER OF FUNDS)

SEC. 3605. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading ''National and Community Service Programs, Operating Expenses'' under the heading ''Corporation for National and Community Service'', to the account under the heading ''Salaries and Expenses'' under the heading ''Corporation for National and Community Service''.

SEC. 3606. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall be effective 30 days after enactment of this Act except that any vehicles in use to transport Head Start children as of January 1, 2007, shall not be subject to a requirement under that part regarding rear emergency exit doors for two years after the date of enactment.

The Secretary of Health and Human Services shall revise the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) to exempt from Federal seat spacing requirements and supporting seating requirements related to compartmentalization any vehicle used to transport children for a Head Start program if the vehicle meets federal motor vehicle safety standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling). Such revision shall be made in a manner consistent with the findings of the National Highway Traffic Safety Administration, pursuant to its study on occupant protection on Head Start transit vehicles, related to the Government Accountability Office report GAO–06–767R.

(INCLUDING RESCISSION)

SEC. 3607. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, as amended by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

(b) For the activities carried out by the Secretary of Education under section 3(a) of Public Law 108–406 (42 U.S.C. 15001 note), $1,000,000.

(INCLUDING RESCISSION)

SEC. 3608. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 for ''Department of Education, Student Aid Administration'', $2,000,000 are rescinded.

(b) For an additional amount for ''Department of Education, Higher Education'' under part B of title VII of the Higher Education Act of 1965 which shall be used to make a grant to the University of Vermont for the Educational Excellence Program, $2,000,000.

SEC. 3609. Section 1820 of the Social Security Act (42 U.S.C. 1395i–4) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

''(j) DELTA HEALTH INITIATIVE.—

''(1) IN GENERAL.—The Secretary is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region, to solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, planning, construction, and the equipment of public health-related facilities in the Mississippi Delta region.

''(2) FEDERAL INTEREST IN PROPERTY.—With respect to funds used under this subsection for construction or alteration of property, the Federal interest in the property shall last for a period of 1 year following completion or until the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection in fiscal year 2007 and in each of the five succeeding fiscal years.''.

CHAPTER 7

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 2(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

''(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.''.

(INCLUDING RESCISSION)

SEC. 3702. (a) Of the funds provided for the ''Capitol Guide Service and Special Services Office'' in section 20703(a) of the Continuing Appropriations Resolution, 2007 (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), $3,500,000 are rescinded.

(b) For an additional amount for ''Capitol Guide Service and Special Services Office'', $3,500,000, to remain available until September 30, 2008.

CHAPTER 8

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, or any other Act, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

CHAPTER 9

GENERAL PROVISIONS—THIS CHAPTER

CONSULTATION REQUIREMENT

SEC. 3901. Of the funds provided in the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the United States-China Economic and Security Review Commission, $1,000,000 shall be available for obligation only in accordance with a spending plan submitted to and approved by the Committees on Appropriations which addresses the recommendations of the Government Accountability Office's audit of the Commission.

TECHNICAL AMENDMENT

SEC. 3902. (a) Notwithstanding any other provision of law, subsection (c) under the heading ''Assistance for the Independent States of the Former Soviet Union'' in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after ''subsection (b) of that section'' the following: ''and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section''.

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for ''Foreign Military Financing Program'' pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $4,800,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4001. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 4002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: '': *Provided further*, That

paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'', the heading ''Housing Certificate Fund'', and the heading ''Project-Based Rental Assistance'' for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance''.

SEC. 4003. The dates for subsidy reductions and demonstrations for discontinuance of reductions in operating subsidy under the new operating fund formula, pursuant to HUD regulations at 24 CFR 990.230, shall be moved forward so that the first demonstration date for asset management compliance shall be September 1, 2007, and reductions in subsidy for calendar year 2007 shall be limited to the 5 percent amount referred to in such regulations. Any public housing agency that has filed information to demonstrate compliance on or prior to April 15, 2007 shall be permitted to re-file the same or different information to demonstrate such compliance on or before September 1, 2007.

CHAPTER 11

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 4101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION FOR TITLE I

SEC. 4102. Amounts provided in title I of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY DESIGNATION FOR TITLE II

SEC. 4103. Amounts provided in title II of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE IV—EMERGENCY FARM RELIEF

SEC. 401. SHORT TITLE.

This title may be cited as the ''Emergency Farm Relief Act of 2007''.

SEC. 402. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) APPLICABLE CROP.—The term ''applicable crop'' means 1 or more crops planted, or prevented from being planted, during, as elected by the producers on a farm, 1 of—

(A) the 2005 crop year;

(B) the 2006 crop year; or

(C) that part of the 2007 crop year that takes place before the end of the applicable period.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning on January 1, 2005 and ending on February 28, 2007.

(4) DISASTER COUNTY.—The term ''disaster county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(5) HURRICANE-AFFECTED COUNTY.—The term ''hurricane-affected county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(6) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(7) LIVESTOCK.—The term ''livestock'' includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine; and

(F) other livestock, as determined by the Secretary.

(8) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means a natural disaster declared by the Secretary during the applicable period under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(9) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 411. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 55 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 20 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the applicable crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the applicable crop of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 55 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1)

by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than 1 of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only 1 of the crop years.

(f) PAYMENT LIMITATION.—

(1) LIMITATION.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 412. DAIRY ASSISTANCE.

The Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses in disaster counties.

SEC. 413. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''August'' and all that follows through the end and inserting ''September 30, 2007, 34 percent.''; and

(3) by striking subparagraph (C).

SEC. 414. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during the applicable period for losses (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, except that the payment rate shall be 80 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during the applicable period that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(4) PAYMENTS FOR REDUCTION IN GRAZING ON FEDERAL LAND.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall make payments to livestock producers that are in proportion to any reduction during calendar year 2007 in grazing on Federal land in a disaster county leased by the producers a result of actions described in subparagraph (B).

(B) FEDERAL ACTIONS.—Actions referred to in subparagraph (A) are actions taken during calendar year 2007 by the Bureau of Land Management or other Federal agency to restrict or prohibit grazing otherwise allowed under the terms of the lease of the producers in order to expedite the recovery of the Federal land from drought, wildfire, or other natural disaster declared by the Secretary during the applicable period.

(5) LIMITATION.—The Secretary shall ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative payments under this subsection and another Federal program with respect to any loss.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during the applicable period (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, wildfires, and extreme heat.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments to producers located in disaster counties under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006, by the producers.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

(d) ELECTION OF PRODUCTION YEAR.—If a producer incurred qualifying production losses in more than one of the production years, the producers on a farm shall elect to receive assistance under this section in only one of the production years.

(e) EXCEPTION.—Notwithstanding any other provision of this section, livestock producers on a farm shall be eligible to receive assistance under subsection (a) or livestock indemnity payments under subsection (b) if the producers on a farm—

(1) have livestock operations in a county included in the geographic area covered by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to blizzards, ice storms, or other winter–related causes during the period of December 2006 through January 2007; and

(2) meet all eligibility requirements for the assistance or payments other than the requirements relating to disaster declarations by the Secretary under subsections (a) and (b)(1).

SEC. 415. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 416. SUGAR BEET AND SUGAR CANE DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the applicable crop.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

(d) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only one of the crop years.

SEC. 417. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)) is amended by adding at the end the following:

''(5) LOSS ASSESSMENT FOR GRAZING.—The Secretary shall permit the use of 1 claims adjustor certified by the Secretary to assess the quantity of loss on the acreage or allotment of a producer devoted to grazing for livestock under this section.''.

SEC. 418. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

Subtitle B—Small Business Economic Loss Grant Program

SEC. 421. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) DEFINITION OF QUALIFIED STATE.—In this section, the term ''qualified State'' means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary during the applicable period.

(b) GRANTS TO QUALIFIED STATES.—

(1) IN GENERAL.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) MINIMUM AMOUNT.—The minimum amount of a grant under this subsection shall be $500,000.

(3) REQUIREMENT.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses during the applicable period as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $15,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(B) EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.—

(i) Funds made available by this subtitle may be used to carry out assistance programs in States that are consistent with the purpose and intent of the program authorized at section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a).

(ii) In carrying out this subparagraph, a qualified State may waive the gross income requirement at subparagraph (A)(i) of this paragraph.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses; and

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

Subtitle C—Forestry

SEC. 431. TREE ASSISTANCE PROGRAM.

(a) DEFINITION OF TREE.—In this section, the term ''tree'' includes—

(1) a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree);

(2) a bush (including a shrub, nursery shrub, nursery bush, ornamental bush, ornamental shrub, potted bush, and potted shrub); and

(3) a vine (including a nursery vine and ornamental vine).

(b) PROGRAM.—Except as otherwise provided in this section, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the terms and conditions of the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in disaster counties; and

(2) fruit and tree nut producers in disaster counties.

(c) COSTS.—Funds made available under this section shall also be made available to cover costs associated with tree pruning,

tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) SCOPE OF ASSISTANCE.—Assistance under this section shall compensate for losses resulting from disasters during the applicable period.

Subtitle D—Conservation

SEC. 441. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $35,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures, including wildfire recovery efforts in Montana and other States, identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which $3,000,000 shall be to repair broken irrigation pipelines and damaged and collapsed water tanks, $1,000,000 to provide emergency loans for losses of agricultural income, and $2,000,000 to repair ditch irrigation systems in conjunction with the Presidential declaration of a major disaster (FEMA–1664–DR), dated October 17, 2006, and related determinations issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act): *Provided*, That the Secretary may transfer a portion of these funds to the Natural Resources Conservation Service, to include Resource Conservation and Development councils.

SEC. 442. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $50,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

SEC. 443. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking ''section 726'' and inserting in lieu thereof ''section 726; section 741''.

Subtitle E—Farm Service Agency

SEC. 451. FUNDING FOR ADDITIONAL PERSONNEL AND ADMINISTRATIVE SUPPORT.

The Secretary shall use $30,000,000 of funds of the Commodity Credit Corporation—

(1) of which $9,000,000 shall be used to hire additional County Farm Service Agency personnel to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) to be used as the Secretary determines to be necessary to carry out this and other agriculture and disaster assistance programs.

Subtitle F—Miscellaneous

SEC. 461. CONTRACT WAIVER.

In carrying out this title and section 101(a)(5) of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108–324; 118 Stat. 1233), the Secretary shall not require participation in a crop insurance pilot program relating to forage.

SEC. 462. INSECT INFESTATIONS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service, shall use not less than $20,000,000 of funds made available from the Commodity Credit Corporation for the Animal and Plant Health Inspection Service to survey and control insect infestations in the States of Nevada, Idaho, and Utah.

(b) USE OF FUNDS.—Funds described in subsection (a) shall be used in a manner that promotes cooperative efforts between Federal programs (including the plant protection and quarantine program of the Animal and Plant Health Inspection Service) and State and local programs carried out, in whole or in part, with Federal funds to fight insect outbreaks.

SEC. 463. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 464. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle G—Emergency Designation

SEC. 471. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

This Act may be cited as the ''U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.

SA 642. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 13, strike ''$150,000,000'' and insert ''$755,000,000''.

On page 60, line 16, insert after ''area'' the following: ''*Provided*, That $605,000,000 shall be for construction of the Inner Harbor Navigation Canal Lock replacement project, to remain available until expended''.

SA 643. Mr. COCHRAN (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WARNER, Mr. STEVENS, Mr. BROWNBACK, Mr. SHELBY, Mr. Craig, Mr. ALLARD, Mr. BENNETT, and Mr. ENZI) proposed an amendment to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 24, strike line 16 and all that follows through page 26, line 24 and insert:

''SEC. 1315. BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—''

SA 644. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 19 strike $214,000,000 and insert $214,000,001

SA 645. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment strike $214,000,001 and insert $214,000,002.

SA 646. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

''SEC. _____. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to convey without consideration to the State of Texas all right, title, and interest of the United States in and to a parcel of real property comprising the location of the Marlin, Texas Department of Veterans Affairs Medical Center. In so conveying, the Secretary need not comply with Federal laws relating to the environment and historic preservation. However, the Secretary may at his discretion undertake environmental cleanup at a cost not to exceed $500,000 utilizing appropriations available for the environmental cleanup of sites under the Department's jurisdiction. The purpose of the conveyance is to permit the State of Texas to utilize the property for purposes of a prison.''

SA 647. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 7 and 8, insert the following:

SEC. 2504. MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1040. Fraud in connection with major disaster or emergency benefits

''(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

''(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an

emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

''(b) A circumstance described in this subsection is any instance where—

''(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

''(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

''(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

''(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1040. Fraud in connection with major disaster or emergency benefits.''.

(b) INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.—Section 1343 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or'' after ''If the violation''.

(c) INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND IN RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.—Section 1341 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or'' after ''If the violation''.

(d) DIRECTIVE TO SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission forthwith shall—

(A) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to subparagraph (A) and any additional policy recommendations the Commission may have for combating offenses described in that subparagraph.

(2) REQUIREMENTS.—In carrying out this subsection, the Sentencing Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) assure reasonable consistency with other relevant directives and with other guidelines;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(D) make any necessary conforming changes to the sentencing guidelines; and

(E) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(3) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 11, 2007, at 10 a.m., to conduct an oversight hearing on the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Roundtable Discussion during the session of the Senate on Monday, March 26, 2007, at 2:30 p.m. in room SD–G50 of the Dirksen Senate Office Building.

The purpose of the Roundtable is to discuss the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Monday, March 26, 2007, at 2 p.m., to receive a briefing on the reorganization of the office of the Under Secretary of Defense for Policy.

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

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Human Rights and the Law be authorized to meet on Monday, March 26, 2007, at 3 p.m., to conduct a hearing on ''Legal Options to Stop Human Trafficking,'' in Room 226 of the Dirksen Senate Office Building.

Grace Chung Becker, Deputy Assistant Attorney General for Civil Rights, United States Department of Justice, Washington, DC; Katherine Kaufka, Supervising Attorney, Counter-Trafficking Services Program, National Immigrant Justice Center, Heartland Alliance for Human Needs & Human Rights, Chicago, IL; Martina E. Vandenberg, Attorney, Jenner & Block, Washington, DC; and Holly J. Burkhalter, Vice President, International Justice Mission, Washington, DC.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Monday, March 26, 2007, at 2:30 p.m., for a hearing entitled, Understanding the Realities of REAL ID: A Review of Efforts to Secure Drivers' Licenses and Identification Cards.

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

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Madam President, I ask unanimous consent that Yvonne Stone, a detailee from the Department of Veterans Affairs, be granted floor privileges for the duration of the debate on H.R. 1591, the emergency war supplemental.

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

Mr. COCHRAN. I also ask unanimous consent that Earl Rilington and Eric Perritt, Fellows serving in my office, be granted floor privileges for the duration of the debate on H.R. 1591, the fiscal year 2007 emergency supplemental appropriations bill.

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

Mr. BYRD. Madam President, I ask unanimous consent that Adam Morrison and Tad Gallion be granted floor privileges during the debate on this measure.

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

Mr. KENNEDY. I ask unanimous consent that my State Department fellow, Mike Stanton, and my Marine Corps fellow, Mark Carlton, be granted floor

privileges for the duration of debate on H.R. 1591 supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF GEORGE WU

Mr. REID. Mr. President, I ask unanimous consent that tomorrow at 11:50 a.m., the Senate proceed to executive session to consider the nomination of George Wu to be a U.S. district judge, Calendar No. 38; that there be 20 minutes for debate equally divided between the chairman and ranking member of the Judiciary Committee; that at the conclusion of or yielding back of time, the Senate vote on the confirmation of the nomination; that following the vote, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

CONGRATULATING THE EUROPEAN UNION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 124 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 124) congratulating the European Union on the 50th anniversary of the signing of the Treaty of Rome/creating the European Economic Community among 6 European countries and laying the foundations for peace, stability, and prosperity in Europe.

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The resolution (S. Res. 124) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 124

Whereas after a half century of war and upheaval, and in the face of economic and political crises and the threat of communism, European visionaries began a process to bring the countries of Europe into closer economic and political cooperation to help secure peace and prosperity for the peoples of Europe;

Whereas, on March 25, 1957, 6 European countries—the Federal Republic of Germany, France, Italy, Belgium, the Netherlands, and Luxembourg—signed the Treaty of Rome, creating the European Economic Community;

Whereas the Treaty of Rome established a customs union between the signatory countries, but also did much more, creating a framework that has broadened and deepened over time into the European Union, promoting the free movement of people, services, and capital, and common policies among the countries in important areas, and that has helped secure the spread of peace and stability in Europe;

Whereas the European Economic Community expanded to bring more European countries into closer union, with the United Kingdom, Denmark, and Ireland joining in 1973, Greece joining in 1981, and Spain and Portugal joining in 1986;

Whereas the member countries of the European Economic Community agreed to the Single European Act in 1987, paving the way for a single European market, and on February 7, 1992, the member countries of the European Community signed the Treaty of Maastricht, furthering the economic and political ties among the member countries and creating the European Union;

Whereas the European Union has continued to grow so that the European Union now comprises 27 countries with a population of over 450,000,000, after the successful unification of Germany in 1990 and the joining of Austria, Finland, and Sweden in 1995, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia in 2004, and Bulgaria and Romania in 2007, and the European Union continues to consider expanding to include other countries central to the history and future of Europe;

Whereas the European Union has developed a broad acquis communautaire covering policies in the economic, security, diplomatic, and political areas, has established a single market, has built an economic and monetary union, including the Euro currency, and has built an area of freedom, security, peace, and justice, extending stability to its neighbors;

Whereas the European Union played a key role at the end of the Cold War in helping to spread free markets, democratic institutions and values, and respect for human rights to the former central European communist states;

Whereas the United States and the European Union have shared a unique partnership based on a common heritage, shared values, and mutual interests, and have worked together to strengthen international cooperation and institutions, to create a more open international trading system, to ensure transatlantic and global security, to preserve and promote peace, freedom, and democracy, and to advance human rights; and

Whereas the United States has supported the European integration process and has consistently supported the objective of European unity and the enlargement of the European Union to promote prosperity, peace, and democracy: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the European Union and the member countries of the European Union on the 50th anniversary of the historic signing of the Treaty of Rome;

(2) commends the European Union for the critical role it and its predecessor organizations have played in spreading peace, stability, and prosperity throughout Europe; and

(3) affirms the desire of the United States to strengthen the transatlantic partnership with the European Union and with all of its member countries.

PERMITTING USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 66.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 66) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 66) was agreed to.

ORDERS FOR TUESDAY, MARCH 27, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 27; that on Tuesday, 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, that there then be a period for morning business for 60 minutes with Senators permitted to speak therein for up to 10 minutes each, the first 30 minutes under the control of the Republicans, and the final 30 minutes under the control of the majority; that at the close of morning business, the Senate resume consideration of H.R. 1591; that on Tuesday, following the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m. in order to accommodate the respective party conference work periods. I further ask unanimous consent that Members have until 2:30 to file first-degree amendments for the matter pending.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business today, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Tuesday, March 27, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 26, 2007:

DEPARTMENT OF THE INTERIOR

R. LYLE LAVERTY, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE HAROLD CRAIG MANSON.

DEPARTMENT OF STATE

JANET E. GARVEY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

R. NIELS MARQUARDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF COMOROS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL J. LYDEN, 0018

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHRISTINE S. HUNTER, 0000
REAR ADM. (LH) ADAM M. ROBINSON, JR., 0000

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

THOMAS I. ANDERSON, 0000
GLEN M. BAKER, 0000
WAYNE E. BALE, 0000
RONALD D. BLUNCK, 0000
MARY J. BRANDT, 0000
PHILLIP R. BROWN, 0000
STANLEY D. BRUNTZ, 0000
THADDEUS E. BURR, 0000
CONRAD C. CALDWELL III, 0000
WILLIAM S. CARLE, 0000
WENZELL E. CARTER, JR., 0000
DAVID R. CHESSER, 0000
EDWARD J. CHUPEIN, JR., 0000
ROBERT J. CLARK, 0000
CARL E. CROFT, 0000
PAUL D. CUMMINGS, 0000
WILLIAM E. DAY III, 0000
JOHN W. DUGAN, 0000
JAMES K. EDENFIELD, 0000
TIMOTHY J. EVANS, 0000
DOUGLAS A. FARNHAM, 0000
DAVID K. FAUST, 0000
BRENT J. FEICK, 0000
JAMES E. FREDREGILL, 0000
DENNIS J. GALLEGOS, 0000
KENNETH L. GAMMON, 0000
DAVID R. GANN, 0000
ROBERT M. GENTRY, 0000
RICHARD P. GREENWOOD, 0000
MURRAY A. HANSEN, 0000
JAMES C. HAY, JR., 0000
THOMAS J. HAYEK, 0000
PAIGE P. HUNTER, 0000
DOUGLAS R. JACOBSON, 0000
MATTHEW P. JAMISON, 0000
JOHN S. JOSEPH, 0000
RICHARD W. KELLY, 0000
BRIAN W. LEAKWAY, 0000
JEROME P. LIMOGE, JR., 0000
DALE R. MARKS, 0000
BETTY J. MARSHALL, 0000
JAMES T. MATLOCK III, 0000
JOHN E. MCNEIL, 0000
SCOTT A. MCPHERSON, 0000
PHILLIP S. MICHAEL, 0000
DONALD F. MOFFORD, 0000
JAMES J. MONTAGUE, 0000
CLAYTON W. MOUSHON, 0000
MARTIN J. PARK, 0000
MITCHELL L. PERRY, 0000
JEFFREY W. PETTIGREW, 0000
EDWARD J. PIECEK, 0000
WILLIAM Q. PLATT III, 0000
CHARLES B. POWLEY, 0000
SAMUEL H. RAMSAY III, 0000
JAMES F. REAGAN, 0000
KEVIN F. REILLY, 0000
DAVID L. REYNOLDS, 0000
DEREK P. ROGERS, 0000
JEFFERY A. SABOTKA, 0000
GEORGE E. SCHERZER, JR., 0000
STEPHEN P. SHAFFER, 0000
DANEIL C. SHEA, 0000
MARK E. SHEEHY, 0000
JEFFREY M. SILVER, 0000
DAVID C. SNAKENBERG, 0000
RONALD W. SOLBERG, 0000
KURT D. SONDERMAN, 0000
CHRISTOPHER A. STRATMANN, 0000
JASVANT S. SURANI, 0000
WILLIAM R. SWANSON, 0000
MICHAEL T. THOMAS, 0000
CAROL A. TIMMONS, 0000
ANDREW P. URBANSKY, 0000
PHILIP M. VANEAU, 0000
MARK J. VANKOOTEN, 0000
BRIAN L. VOGNILD, 0000
THERESA A. VOTINELLI, 0000
CHARLES W. WEDDLE, JR., 0000
HAROLD L. WESTBROOK, JR., 0000
GREGORY T. WHITE, 0000
WILLIAM C. WOLFARTH, 0000
HARRY W. YOUNG, JR., 0000
MUSSARET A. ZUBERI, 0000